

URBAN/MUNICIPAL
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1995

AGENDA / MINUTES
OF THE
COUNCIL OF THE CORPORATION
OF THE CITY OF HAMILTON

OCT. 31, 1995 -

URBAN/MUNICIPAL
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1995



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**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON** **URBAN MUNICIPAL**

**Tuesday, 1995 October 31
7:30 o'clock p.m.
Council Chambers, City Hall**

OCT 30 1995

GOVERNMENT DOCUMENTS

S. G. Hollowell
**S. G. Hollowell
Acting City Clerk**

A G E N D A

- 1. National Anthem.**
- 2. Opening Prayer:**

**Pastor Ivars Gaide
Christ Lutheron Church**
- 3. Adoption of the minutes of the meeting held 1995 October 10**
- 4. Correspondence\Petitions**
- 5. Reports of the Standing Committees:**
 - (b) Parks and Recreation Committee**
 - (c) Planning and Development Committee (copy to follow)**
 - (d) Finance and Administration Committee**
 - (e) Report of His Worship Mayor Morrow**
- 6. Tabled motion from October 10 council meeting Re: Victoria Hall and MacKay Building**
- 7. Notices of Motion for next meeting.**
- 8. Question Period.**
- 9. Adjournment.**

100-1000 10000

100-1000 10000

MINUTES

Minutes of Hamilton City Council
Tuesday, 1995 October 10
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.

Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Wilson, Copps,
Eisenberger, Collins, Charters, Merling, D'Amico, Ross.

Absent: Alderman T. Anderson - regional business

Alderman T. Jackson - vacation

Mayor R. M. Morrow called the meeting to order.

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The National Anthem was played.

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Archdeacon Ken Patterson, St. Michael's Anglican Church led Council in prayer.

<p>PRESENTATIONS</p>

Mayor Morrow presented a Certificate of Recognition to Jim Awad, General Manager of the Sheraton Hamilton Hotel.

* * * * *

Mayor Morrow presented a Certificate of Recognition to the following members who sat on City Committees/Boards:

Angie Armstrong, Mayor's Committee Against Racism and Discrimination
William Kosar, Hamilton Farmers' Market Sub-Committee
Wayne Marston, Business Land Use Advisory Board
Evelyn Myrie, Hamilton Status of Women Sub-Committee
Elsie Paget, Hamilton Status of Women Sub-Committee

Sandy Shaw, Hamilton Status of Women Sub-Committee
Agnes Samson, Hamilton Status of Women Sub-Committee
Ernest Seager, New Mum Show Sub-Committee

* * * * *

Mayor Morrow presented a city flag to Ralph Pawson, Chairperson, Board of Directors, First Place Hamilton.

DECLARATION OF OFFICE

Fire Chief Garry H. Smith subscribed to the Declaration of Office before Mayor R. M. Morrow.

ADOPTION OF MINUTES

The minutes of the meeting held 1995 September 26 were adopted as circulated.

CORRESPONDENCE

1. Zoning Application dated 1995 October 3 from 800064 Ontario Inc. for a further modification to the established "RT-20" (Townhouse-Maisonette) District regulations for Block "1", and for changes in zoning from "RT-20" (Townhouse-Maisonette) District, modified to "R-4" (Small Lot Single-Family Dwelling) District for Block "2" and to "C" (Urban Protected Residential, etc.) District for Block "3", for lands located at No. 1600 Garth Street, Hamilton, Ontario.

Received.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Planning and Development Committee, and the Finance and Administration Committee, be considered in Committee of the Whole with Alderman Ross in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Merling, D'Amico, Ross. -14.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - TWELFTH REPORT

Re: Rule No. 9 Re: Parking Regulations

It was moved by Alderman Merling and seconded by Alderman Charters that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to allow for the introduction of resolutions respecting parking regulations on Highridge Avenue, Alanson Street and Deschene Avenue.

CARRIED.

Section 25 Re: No Parking - Highridge Avenue

It was moved by Alderman Collins and seconded by Alderman Eisenberger that the Twelfth Report of the Transport and Environment Committee for 1995 be amended by adding the following as Section 25:

25. That the existing "No Parking" regulation on the north and west sides of Highridge Avenue which commences at the north property line of No. 238 Highridge Avenue and extends to a point 49 feet west of the west curb line of Highridge Avenue be extended 16 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.

CARRIED.

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Section 26 Re: Permit Parking - 36 Alanson Street

It was moved by Alderman Agro and seconded by Alderman McCulloch that the Twelfth Report of the Transport and Environment Committee be amended by adding the following as Section 26.

26. (a) That a reserved "Permit Parking" regulation be implemented on the south side of Alanson Street commencing at a point 95 feet west of the extended west curb line of Erie Avenue and extending to a point 18 feet westerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,
- (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Joanne Tomasiunas, 36 Alanson Street. **CARRIED.**

* * * * *

Section 27 Re: One Hour Parking Time Limit - 52 Deschene Avenue

It was moved by Alderman Merling and seconded by Alderman Charters that the Twelfth Report of the Transport and Environment Committee be amended by adding the following as Section 27

27. That a "One Hour Parking Time Limit, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation be implemented on the east side of Deschene Avenue between Hester Street and the north property line of No. 61 Deschene Avenue and on the west side of the street between Hester Street and the north property line of No. 52 Deschene Avenue and that the City Traffic By-law No. 89-72 be amended accordingly. **CARRIED.**

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Section 28 Re: Bill A-63: A By-law to Regulate Traffic

It was moved by Alderman Merling seconded by Alderman Charters that the Twelfth Report of the Transport and Environment Committee for 1995 be amended by adding Section 28 as follows:

28. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

A-63 A By-law to Amend By-law No. 89-72 to Regulate Traffic **CARRIED.**

<p>PLANNING AND DEVELOPMENT COMMITTEE - NINETEENTH REPORT</p>
--

It was moved by Alderman Drury and seconded by Alderman D'Amico that Section 8 of the Nineteenth Report of the Planning and Development Committee be hereby amended by deleting Subsections (a) and (b) and renumbering the remaining subsections and Bills. **CARRIED.**

FINANCE & ADMINISTRATION COMMITTEE - TWENTY-FOURTH REPORT

Section 5 Re: Harry Kitchen, Consultant - Local Government Restructuring

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Merling, Ross. -13.

NAYS: Alderman D'Amico. -1.

CARRIED.

RECONSIDERATION

Victoria Hall and the MacKay Building

It was moved by Alderman Wilson and seconded by Alderman Charters that Section 2 of the Seventh Report for 1995 of the Committee of the Whole approved by City Council on 1995 September 26th, respecting the verification of facts and figures for the restoration of the Victoria Hall and the MacKay Building, as follows, be reconsidered:

2. (a) That the Director of Property and the Commissioner of Building be directed to verify all facts and figures provided for the restoration of the Victoria Hall and the MacKay Building; and,
- (b) That an outside consultant provide a report for the architectural and engineering aspects of the Victoria Hall and the MacKay Building. **CARRIED.**

* * * * *

It was moved by Alderman Caplan and seconded by Alderman Kiss that Section 2 of the Seventh Report of the Committee of the Whole approved by City Council on 1995 September 26, respecting the verification of facts and figures for the restoration of the Victoria Hall and the MacKay Building, be tabled for three weeks. **CARRIED.**

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Planning and Development Committee, the Finance and Administration Committee, and resolutions be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Merling, D'Amico, Ross. -15.

NAYS: -0.

CARRIED.

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City Council then adjourned at 8:05 o'clock p.m.

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Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1995 October 10
JJS/dg

CORRESPONDENCE

Correspondence:

1. Letter dated 1995 October 26 from S. G. Hollowell, Acting City Clerk regarding objections to By-law 95-182 respecting property at 1451 to 1477 Upper James Street. (previously distributed).

Recommendation:

Be Received.

REPORTS

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **EIGHTEENTH** Report for 1995 and respectfully recommends:

1.
 - (a) That Hamilton City Council approve, in principle, the negotiated shared use agreement between the City of Hamilton and the Board of Education for the City of Hamilton as per the principles and procedures as outlined in Appendix "A" and Appendix "B" attached hereto, subject to resolution of the standards of service and community use of schools provisions; and,
 - (b) That the Chief Administrative Officer, the City Solicitor and the Director of Culture and Recreation be authorized to prepare the necessary agreements to implement the basic elements of the agreement effective 1996 January 1; and,
 - (c) That the Director of Culture and Recreation be authorized to continue negotiations with Board officials with a view to resolving the remaining matters outstanding; and,
 - (d) That the Chief Administrative Officer and the Director of Culture and Recreation report back on the resolution of the outstanding matters by 1996 January.
2. That a purchase order be issued to Burlington Railing Inc., Burlington, in the amount of \$66,355., including all applicable taxes, for the supply and delivery of steel park signs, bollards, and steel rail fence as required for various parks and multi-use trails within the City, being the lowest of four tenders received in accordance with specifications C15-25-95 issued by the Purchasing Division and Vendor's tender, and be financed from Account Nos. CF5255 639553028, CF5255 628743002 and CF5255 629543010.
3. That approvals, as required by Sections 4, 12(a), 15, and 35(1) of the Parks By-law No. 95-126 be granted to the 9th New York Volunteers to set up an encampment, including 4-6 horses, and conduct demonstrations of musketry and camp life, on the grounds of Dundurn Castle on 1996 July 6 and 7 for the annual Microcosm Festival subject to the following terms and conditions:

- (a) That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury be submitted, naming the Corporation of the City of Hamilton as additional co-insured; and,
 - (b) That the encampment occupy only the pre-approved, archaeologically tested area designated by the Dundurn Curator; and,
 - (c) That musketry demonstrations take place only at designated times and within a safely secured area as pre-approved by the Dundurn Curator; and,
 - (d) That Dundurn staff and the 9th New York Volunteers assume responsibility for all clean up associated with the encampment.
4. That approval be given to issue a purchase order to Stan Parkinson of Brighton, Ontario for the restoration and re-installation of the MacNab kitchen at Dundurn Castle range in the amount of \$5,850. not including G.S.T. and P.S.T., to be financed through the Freda Walden Trust Fund Account No. CH5X999 00401.
5. (a) That Mr. Russ Weil be approved as the 1995 winner of the Hamilton Arts Award and that he be presented with the award prior to the 1995 November 28 meeting of City Council; and,
- (b) That the annual award of \$500. be drawn from General Grants Budget Account No. CH5A100 20020.
6. That the Director of Culture and Recreation be authorized to take actions necessary, in conjunction with the Ontario Lacrosse Association, the current executive of the Hamilton Lacrosse Association and all members of the Hamilton Lacrosse Association to ensure that a fair and democratic election process is in place in order to allow for the orderly election of a new executive for the Hamilton Lacrosse Association.
7. (a) That the Director of Culture and Recreation be authorized to issue a Purchase Order in the amount of \$65,000. plus \$4,550. GST, to Wong Gregersen Architects Incorporated, of Hamilton, to conduct the Feasibility Study for the Aquatic Venue and assist staff in determining the capital and operational cost commitment for the 2001 Canada Summer Games for Council's consideration prior to the final preparation and submission of the Bid Package to the Province as approved by Council on 1995 July 11 as Section 1 of the Fifteenth Report of the Parks and Recreation Committee for 1995; and,

- (b) That the total amount be charged to Account Nos. CH59087 77008 and CH55201 78216 as approved by Council on 1995 July 11 as Section 1 of the Fifteenth Report of the Parks and Recreation Committee for 1995.
- 8.
 - (a) That the Director of Culture and Recreation be authorized to enter into an agreement, satisfactory to the City Solicitor, with Moffat Kinoshita Architects Inc, joint with Stephen Teeple Architect Inc., for the amount of \$78,750. plus applicable GST (\$5,513.) to undertake the programme analysis and design development of the Riverdale Recreation and Seniors' Centre (Phase I) in efforts to reduce the total capital and operational commitments for the project; and,
 - (b) That, should the modified building programme and capital funding be approved by City Council and approvals given to staff to commence the preparation of construction documents for the project (Phase II), that the firm of Moffat Kinoshita Architects Inc. of Hamilton be retained to provide consulting services as outlined in the Project Brief at the total fees of \$236,250. plus applicable GST (\$16,538.); and,
 - (c) That, should funding be approved in 1996, the Director of Culture and Recreation be authorized to finalize all necessary agreements, in forms satisfactory to the City Solicitor, with the Board of Education for the City of Hamilton and the Hamilton-Wentworth Roman Catholic Separate School Board as necessary to permit construction of the project.
- 9.
 - (a) That the Director of Culture and Recreation be authorized to issue a Purchase Order in the amount of \$86,500. plus \$6,055. GST to IER Planning, Research and Management Services of Toronto to conduct the Culture and Recreation Facilities Infrastructure Study as per the Terms of Reference of the RFP and proposal attached hereto as Appendix "C"; and,
 - (b) That the total amount be charged to Capital Fund Account No. 709541013.
- 10. That Section 2 (c) of the Eleventh Report of the Parks and Recreation Committee for 1995 adopted by City Council on 1995 April 25, be amended to extend the date to complete negotiations with Scott-MacDonald Limited for a long term lease by one (1) month, from 1995 October 31 to 1995 November 30.

11. (a) That the Construction Contract with James Kemp Construction Limited, for the Inch Park/Parkdale Arena Renovation Projects be increased by \$459,677.15 (plus G.S.T.) to \$3,871,773.32 (plus G.S.T.) to upgrade the fire and safety systems of the two buildings, to cover more minor unexpected change orders, and to increase the life cycle of the selected building elements, with \$109,677.15 to be financed from existing funding in the Major Maintenance Account of Property Department and \$350,000. (\$175,000.) for each arena to be financed as recommended by the Finance and Administration Committee; and,
- (b) That a contingency amount of \$100,000. (plus G.S.T.) outside the construction contract limit, be established, with any spending therefrom be subject to the approval of the Chief Administrative Officer; and,
- (c) That the account for fees of the City Consultant PBK Architects and Engineers Ltd. be increased by \$41,500. (plus G.S.T.) to \$317,200. (plus G.S.T.) to reflect additional design costs resulting from the change orders, with any additional fees to be the subject of final negotiation with the consultant; and,
- (d) That the additional funds requested be financed, subject to the recommendation of the Finance and Administration Committee.

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN F. EISENBERGER, CHAIRPERSON
PARKS AND RECREATION COMMITTEE

1995 October 24

Appendix "A" as referred to in
Section 1 of the EIGHTEENTH
Report of the Parks and
Recreation Committee for 1995

STATUS REPORT ON NEGOTIATIONS TO ESTABLISH A
JOINT USE AGREEMENT BETWEEN THE BOARD OF EDUCATION
AND THE CITY OF HAMILTON

1. AGREEMENT WITH RESPECT TO A PROCESS AND PRINCIPLES TO ACHIEVE THE OBJECTIVE AS CONTAINED IN DRAFT AGREEMENT ATTACHED AS SCHEDULE 1.
2. AGREEMENT ON THE COST OF SERVICES PROVIDED TO EACH PARTY AND AGREEMENT ON AN EQUILIBRIUM POINT OF SERVICES AS IDENTIFIED IN SCHEDULE 2.
3. NEGOTIATIONS IN PROCESS RELATIVE TO AGREED UPON LEVELS OF SERVICE TO BE PROVIDED, I.E. CLEANING STANDARDS, SUPERVISION STANDARDS, ETC.
4. AGREEMENT THAT THE CURRENT TWO TRACK ENTRY INTO USE OF SCHOOLS BY COMMUNITY GROUPS IS AN ISSUE THAT MUST BE RESOLVED. DISCUSSION PAPER ATTACHED AS SCHEDULE 3.
5. AGREEMENT THAT AN ONGOING SENIOR STAFF GROUPING REPRESENTING THE PARTNERS IS DESIRABLE TO ENSURE CONTINUED ACHIEVEMENT OF COORDINATION OF EFFORTS AND RESOURCES.
6. AGREEMENT THAT DISCUSSIONS RELATIVE TO OTHER JOINT ISSUES OF CONCERN AS FOLLOWS SHOULD TAKE PLACE:
 - o joint parking lots and landscaping at school/rec. centre facilities
 - o future capital cost sharing on gym and pool upgrades

PROPOSED SHARED FACILITY USE AGREEMENT

**HAMILTON BOARD OF EDUCATION AND
DEPARTMENT OF CULTURE AND RECREATION**

GOAL: minimize or eliminate cross-billing between the Department and the Board.

PRINCIPLES:

1. maintain or enhance the working relationship through reaching win-win decisions
2. focus on taxpayer as beneficiary of cost containment strategy
3. maintain current service levels
4. clarify and confirm levels of service provision i.e. cleaning standards, hours of operation, etc.
5. protect the interests of the City and the Board

PREAMBLE:

The parties have indicated a willingness to enter into and have completed a process of negotiation that has resulted in a proposed agreement on shared use and elimination of cross-billing.

The following process of negotiation was followed:

1. appointment of negotiating teams from both parties empowered to prepare final recommendations to the respective political bodies
2. identification of pertinent issues
3. adoption of a "central table" approach with side tables to discuss individual matters only if necessary.
4. agreement on consistent approach to assigning costs
5. calculation of respective costs/ agreement on optimal cost level that triggers an elimination of cross charges
6. agreement on a formula to facilitate usage of spaces/additional services beyond the optimal level of usage.
7. preparation of a draft agreement for review and approval by the respective political bodies

EQUALIBRIUM POINT:

cost of all Department services provided to the Board of Education will be equal to the cost to the Board of Education for providing services to the Culture and Recreation Department.

Thereafter, additional services will be provided at some agreed upon pricing level.

ASSIGNMENT OF COSTS:

The parties agreed to use only direct costs associated with delivering services. Three categories were used:

A. Direct Labour:

Wages and benefits for those staff immediately required to provide service to be identified, i.e. 2 lifeguards for pools, 1 caretaker for gyms, etc.

B. Direct Maintenance:

Costs of routine maintenance and repairs to be assigned on a proportional basis based on ratio of hours of use to hours of availability. Cost per hour will be the unit cost.

This costing will also consider the current joint purchasing arrangements that exist on a school/recreation centre basis

C. Utilities:

To be apportioned on a ratio of hours of use to hours available for use.

NOTE: Base operating year for costing purposes will be fiscal 1994-95.

FACILITY USEAGE CATEGORIES - BOARD OF EDUCATION

Three categories of useage were considered in the negotiations:

1. Useage within the combined school/recreation centre structures
2. Culture and Recreation Department use of other Board schools for direct programming
3. Community use of schools permitted/administered by Culture and Recreation as well as community use administered directly by the Board.

USES EXCLUDED FROM NEGOTIATIONS:

The following uses were excluded from the negotiations:

1. Board use of City museums, golf courses, ski centre and city sportsfields and parks
2. School specific bookings of City pools and other special Board programs, i.e. Hats Off and ACES.
3. City use of school sportsfields

LEVELS OF SERVICE:

The proposed agreement sets out levels of service expected of each of the partners.

Details of Reciprocal Agreement with Culture & Recreation

Use of Board Facilities

Rec Centre School Gymnasiums excluding Scott Park:

29 weeks - Sept 26 - April 30 (excluding Xmas & March break)

	# of Hrs	\$ per Hr	Total
Elementary - weekday (6-10 /day)	2900	\$25.78	\$74,762.00
Elementary - Saturday (9-5 /day)	1160	\$5.00 *	\$5,800.00
Elementary - Sunday (12-4 /day)	580	\$5.00 *	\$2,900.00
Secondary - weekdays	2320	\$36.46	\$84,587.20
Secondary - Saturday	928	\$10.00 *	\$9,280.00
Secondary - Sunday	<u>464</u>	<u>\$10.00 *</u>	<u>\$4,640.00</u>
	<u>8362</u>		<u>\$181,969</u>

Scott Park Rec Centre School Gymnasiums:

31 weeks - Sept 26 - April 30 (including Xmas & March break)

	# of Hrs	\$ per Hr	Total
Secondary - weekdays (6 hours X 31 weeks)	248	\$36.46	\$9,042.08
Secondary - Saturday (6 hours X 31 weeks)	<u>186</u>	<u>\$32.45</u>	<u>\$6,035.70</u>
	<u>434</u>		<u>\$15,078</u>

Xmas & March Break for 9 Rec Centre Schools:

	# of Hrs	\$ per Hr	Total
Elementary - weekdays	200	\$25.78	\$5,156.00
Elementary - weekends	120	\$5.00 *	\$600.00
Secondary - weekdays	160	\$36.46	\$5,833.60
Secondary - weekends	<u>96</u>	<u>\$10.00 *</u>	<u>\$960.00</u>
	<u>576</u>		<u>\$12,550</u>

Rec Centre use of Non Rec Centre Elem Schools:

Elementary - weekdays	288	\$37.74	\$9,624
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* nominal charge to cover variable expenses & Monday cleaning

Additional Service Agreement:

Additional Sweeping of Rec Centres on Friday evenings	\$7,000
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Total for Board	<u>9617</u>	<u>\$226,220</u>
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Use of City Facilities

Recreation Centre Pools:

	# of Hrs	\$ per Hr	Total
Pools	3000	\$56.27	\$168,816

Breakdown of Pool Hourly Cost as follows:

Salaries (2 lifeguards)	\$41.81
Maintenance - By City	\$13.32
Rec Centre operation	<u>\$1.14</u>
	\$56.27

Rinks	300	\$140.00	\$42,000
- charged the going rate			

Ivor Wynne Stadium:

-including lights, score board	80	\$83.25	\$6,660
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Mohawk Sports Park	168	\$53.00	\$8,745
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Total for City	<u>3646</u>	<u>\$226,220</u>
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Infrastructure Study of Culture & Recreation Facilities

*The Corporation of the City of Hamilton
Culture and Recreation Department*

Introduction

Our Consultant Team believes that the key objective of the Infrastructure Study is to assist the Department of Culture and Recreation to establish a realistic 10 year Capital Plan outlining projects and priorities for the renewal, maintenance, and improvement of the Department's current and future facilities. The Consultant Team intends to undertake the following activities in achieving this objective:

- visit facilities to obtain an understanding of the physical, operational, or maintenance challenges and opportunities presented at each location,
- identify and prioritize work needed to allow these facilities to continue to provide appropriate accommodations for existing Department of Culture and Recreation programs and services,
- establish and prioritize physical improvements that would allow the Department to enhance and expand programs and services in the future,
- define capital and operational cost implications on a cost/benefit basis of priority remedial work, improvements, operational efficiencies, and use optimization.

The Consultant Team will make use of relevant studies and reports prepared by the City's staff (or its consultants), and meet with the City staff responsible for the planning, programming, operation, and maintenance of Culture and Recreation facilities. Site visits will be undertaken on those buildings included in the Terms of Reference as well as other representative facilities. The Consultant Team will also issue interim reports at the end of each stage of the study and provide a final report at the conclusion of the study. A detailed methodology and scope of work is presented below.

Stage 1: Confirm Issues, Scope of Work, and Methodology

Key members of the Consultant Team will tour those Department of Culture and Recreation facilities listed in the Terms of Reference as well as an additional 10 representative facilities (to be selected by the City and Consultant Team). This tour will allow the Consultant Team to gain an insight into the range and condition of the Department's facilities. Documentation relevant to the study (master plans, needs assessments, demographic and other planning data, etc) will be collected and reviewed. The Consultant Team will also meet with the Project Committee, key City staff, and others (to be identified by the Project Committee) to identify and clarify issues implicit in the undertaking of the Infrastructure Study.

Upon completion of this preliminary review, the Consultant Team will assess which additional facilities should be included and the degree of analysis necessary in order to ensure that a comprehensive 10 year Capital Plan can be developed. The Consultant Team will also prepare a report outlining findings to the end of this stage and recommend to the Project Committee what changes (if any) are required to the scope of work or methodology proposed below to ensure that the study adequately addresses the objectives outlined above.

Stage 2: Facility Review

The Consultant Team will visit each of the facilities contained in the Terms of Reference as well as representative facilities recommended and approved for inclusion in the previous stage of this study. The facility visit will be of sufficient detail for the Consultant Team to gain an overview of the general site and building conditions at that location. Work to be completed in this stage includes:

2.1 Visit Facilities and Review Existing Conditions

The Consultant Team will visit each of the sites contained in the Terms of Reference and use a check list to visually evaluate and document the condition of both buildings and grounds. A draft of this check list will be reviewed with the Project Committee prior to undertaking the facility visits.

Prior to conducting the survey, a member of the Consultant Team will examine as-built documentation and historical operational data (to be provided by the City) for each of the sites. The surveys will visually review, where possible, the existing condition of Site Works, and Services; Building Structure and Fabric. Opportunities to reduce operating costs through energy conservation measures will be noted. Code compliance and environmental issues and need for improvements will also be identified. A member of the Team will also meet with representatives of Occupation and Health Safety Committees to establish staff concerns at each site.

Site data including location, site and building areas, adjacent land use and zoning will also be recorded. The Consultant Team will comment upon whether the building has historical /architectural merit and note any designations or restrictions that may impact upon the future redevelopment of the site or renovation of the buildings. A Historical Conservator will undertake a review of the building fabric of the Steam Museum Building and Whitehern Stables on behalf of the Consultant Team.

2.2 Interview City and Facility Staff

A member of the Consultant Team will interview a staff representative from each facility. The list of proposed operational improvements will be reviewed in detail and priorities for each facility will be identified. The impact of the proposed improvements over time will be discussed. Data about the cost of operating and maintaining each facility will be collected and reviewed with these key staff people.

The Consultant Team will rely on each facility's staff to express what they believe to be the needs and priorities of the community that their building serves. The Consultant Team will also interview staff from other City departments to identify any capital projects that may impact upon the provision or operation of Cultural and Recreation Department services and facilities.

2.3 Prepare Interim Report on Facilities and Capital Projects

Findings from the facilities reviews and staff interviews will be compiled into a interim report documenting the condition of each facility, proposals for operational improvements, and the Consultant Team's recommendations for work needed to ensure ongoing operations; rectify deficiencies; or to provide for the facility's future viability. Improvements that could enhance the accommodation of existing programs or reduce operating costs will also be highlighted. A "hot list" of priority concerns will be provided.

Preliminary cost benefits for operational opportunities, remedial work and improvements will be prepared. The potential for expansion of each of the facilities will also be examined. Future capital projects will be documented. The report will focus on action required within a 10 year planning horizon .

This report will be presented and discussed with the Project Committee and revised if necessary prior to distribution for comment to Department and other staff.

Stage 3: Identify Long Term Planning Trends and Priorities

3.1 Scan for Trends & Issues Impacting on the Provision of Cultural & Recreational Services

In preparation for the workshop described in Stage 3.2 (below), the Consultant Team will meet with Cultural and Recreation Department staff, the staff of other Departments, and members of City Council to identify issues of relevance to the redevelopment of existing and provision of additional cultural and recreational facilities over the next 10 years. A telephone survey of Cultural and Recreation Department staff of 4 comparable municipalities in the Golden Horseshoe will be undertaken and a review of relevant publications completed.

A briefing paper and workshop agenda outlining issues will be reviewed with the Project Committee. The briefing paper and agenda will be revised and distributed prior to the workshop to ensure that all its participants are prepared to discuss and resolve key issues.

3.2 Conduct Workshop on Trends and Priorities

The Consultant Team will conduct a 1 day workshop with the Project Committee and Culture and Recreation Department staff. The workshop will be used to discuss and determine the impact of issues such as demographic change; trends in cultural, recreation and leisure programming; partnerships in the provision of facilities and services; best and most cost effective use of facilities; and facility renewal over the next 10 years. The impact of capital and operating budget limitations will also be explored. The impact of these trends on existing and planned facilities will be discussed and priorities for capital improvements established.

Workshop proceedings and recommendations will be recorded by the Consultant Team and distributed for review and approval by the Project Committee.

3.3 Assess Impact of Trends and Priorities on Facilities

The Consultant Team will assess the potential for existing facilities to adapt to the trends and priorities in delivery of culture and recreational programming identified in Stage 3.2. A strategy for the redevelopment of the Culture and Recreation system of facilities will be developed. The Consultant Team will establish "generic" facility improvements that should be carried out over this broad range of facilities. These improvements will be structured to address both operational, maintenance, and workshop priorities.

Specific options will be developed for those facilities identified in the Terms of Reference. These options will explore the feasibility of renovations and additions needed to accommodate additional programs or allow for new modes of operation defined at the workshop. Alternative means of addressing priorities will be explored where site, building, or other constraints preclude alterations to the existing buildings.

Order of magnitude capital costs, operating, and programmatic implications will be defined for generic and specific priority options. The impact of these options on the quality of services and revenue generation will also be defined.

3.4 Prepare Interim Report on Trends and Priorities

The workshop briefing paper, workshop proceedings, and impact on facilities will be synthesized by the Consultant Team into an interim report outlining priorities and trends, presenting facility options addressing these issues, and the order of magnitude costs of each option.

The interim report will be presented to the Project Committee and facility options described in detail. A preferred option (or elements of options) will be identified for refinement during the next stage of the study. Priorities for implementing change will be discussed with the Project Committee and used to prepare a schedule of capital improvements over the next 10 years.

4.0 Prepare 10 Year Capital Plan

4.1 Finalize Preferred Facility Options

The preferred specific and generic options will be revised to incorporate Project Committee and staff input. Conceptual landscape, architectural, and engineering studies will be finalized and "order of magnitude" costs will be refined and operating implications quantified for each facility. Costs for generic options will be extrapolated over the wider range of facilities.

4.2 Prepare Draft 10 Year Capital Plan

Revised data from the generic and specific facility options will be used to assemble a comprehensive 10 year Capital Plan for Department of Culture and Recreation facilities. The plan will:

- identify the capital spending priorities of the Department over the next 10 years relative to current needs and future trends,
- outline the cost/benefits of the proposed improvements and identify off-setting revenues made possible through facility renewal, expansion and program enhancements,
- develop a schedule for the implementation of capital projects showing degree of capital and operational support required and revenues generated.

The draft Capital Plan will summarize and refer to the finalized facility and generic redevelopment plans. These plans will be included as an appendix to the Capital Plan as well as other supportive documentation.

4.3 Review Draft Capital Plan With Project Committee

The Draft Capital Plan and its appendices will be distributed to the Project Committee in advance of a meeting convened to review and discuss the Plan. A presentation of the Draft Capital Plan to the Standing Committee and Management Team will also be undertaken. A follow-up meeting will be scheduled to address further concerns as the draft document is circulated to Department and other staff.

4.4 Finalize 10 Year Capital Plan

The Capital Plan will be finalized to reflect the comments and additional information provided by the Project Committee.

Please Note: Facilities/Sites Understood to be Included in the Terms of Reference are:

- | | |
|---------------------|---|
| • Children's Museum | • Westmount Recreation Centre |
| • Steam Museum | • Dalewood Recreation Centre/Coronation Arena/McMaster Site |
| • Whitehern Stables | • Bennetto Recreation Centre/Eastwood Arena |
| • Lawfield Arena | • Chedoke Golf Course Clubhouse, Renovations and Expansion |
| • Mountain Arena | |
| • Rosedale Arena | |
| • Scott Park Arena | |

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTY-FIFTH** Report for 1995 and respectfully recommends:

1. (a) That the City of Hamilton provide a grant in the amount of \$12,000. to the International Liszt Festival for the hosting of this event to be held in Hamilton from 1996 October 24 to October 27; and,

 (b) That funds be provided from the 1996 Special Civic Receptions and Delegate Hostings Account No. CH 54314 84010.
2. (a) That the City resolve Ontario Court (General Division) Action # 7369/94 by the payment to the Plaintiffs, Rosaria, Guiseppe and Sonya Pancucci of the sum of \$8,300., inclusive of all claims for damages, interest and costs; and,

 (b) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,

 (c) That Ontario Court (General Division) Action # 7369/94 be dismissed without costs.
3. (a) That the City accept the offer of the Defendant, Stemar Management Limited, to settle Ontario Court (General Division) Action No. 9662/95 by payment to the City of \$40,708.46; and,

 (b) That the Mayor and City Clerk be authorized to sign and seal a Release in favour of Stemar Management Limited and North American Trust Company; and,

 (c) That Ontario Court (General Division) Action No. 9662/95 be dismissed without costs.

4.
 - (a) That the City agree to settle Ontario Court (General Division) Action No. 19876/90 by the payment to the City, by the Defendants, of the sum of \$25,781.55, inclusive of all claims for pre-judgement interest and cost; and,
 - (b) That the Mayor and City Clerk be authorized to sign a Full and Final Release in respect of this claim in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Action No. 19866/90 be dismissed without costs.

5.
 - (a) That the City agree to settle Ontario Court (General Division) Action # 4843/88 by accepting from the Defendant, Ontario Land Corporation, the sum of \$80,265.50, inclusive of all claims for damages, interest and costs; and,
 - (b) That the Mayor and City Clerk be authorized to execute a Full and Final Release in this matter in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Action # 4843/88 be dismissed without costs.

6. That as referred to in Section 15 of the Eighteenth Report for 1995 of the Planning and Development Committee adopted by City Council at its meeting held Tuesday, 1995 September 26th, the City's share of relocating the catch basin on Lot 52 in Trenholme Survey from its present location to the south east corner of the back yard at an estimated cost of \$1,500., be financed from the Account Centre No. CH 00107 -Reserve for Services Through Unsubdivided Lands.

7. That the City Solicitor be authorized to amend By-Law Nos. 94-135 and 95-18 as follows:

<u>By-Law No.</u>	<u>Project No.</u>	<u>Description</u>	<u>Authorized Cost</u>	<u>Federal & Provincial Subsidy</u>	<u>Debenture Amount</u>
94-135	M1610107	Roadway & Sidewalk Reconstruction Requested Decrease	\$3,800,000. <u>(190,300.)</u> <u>\$3,609,700.</u>	\$2,533,333. <u>(126,867.)</u> <u>\$2,406,466.</u>	\$1,266,667. <u>(63,433.)</u> <u>\$1,203,234.</u>
95-18	M1610108	Additional Sidewalk Reconstruction Requested Increase	\$491,917. <u>190,300.</u> <u>\$682,217.</u>	\$327,944. <u>126,867.</u> <u>\$454,811.</u>	\$163,973. <u>63,433.</u> <u>\$227,406.</u>

8. That a purchase order be issued to Carrier Truck Centre, Brantford, in the amount of \$117,760., including all applicable taxes, for the replacement of one (1) Refuse Packer unit #9129 for Fleet Services, being the lowest of six tenders received in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through the Reserve for Mobile Equipment Account No. CH5X504 00101.
9. That approval be given to issue a purchase order in the amount of \$71,662.07, inclusive of G.S.T. (\$4,688.17), to commission Twins Floor Decor of Hamilton for the replacement of carpet on the 5th, 6th, and 7th floors of City Hall, being the lowest price of four quotes received in accordance with the specifications (REF: C14-14-95) issued by the Manager of Purchasing and charged to Account # CF 319541010 (Carpet Replacement City Hall).
10.
 - (a)
 - (i) That approval be given to issue a purchase order in the amount of \$167,455., inclusive of G.S.T. \$10,955., to commission Atlantic Roofers Ontario Ltd. of Hamilton for the replacement of the roof at Lawfield Arena, being the lowest of five quotes received in accordance with the specifications issued by the Manager of Purchasing; and,
 - (ii) That the Mayor and City Clerk be authorized to execute a contract in a form satisfactory to the City Solicitor; and,
 - (b)
 - (i) That approval be given to issue a purchase order in the amount of \$105,395., inclusive of G.S.T. \$6,895., to commission Atlantic Roofers Ontario Limited of Hamilton for the replacement of the roof at Fleet Services Garage being the lowest of six quotes received in accordance with the specifications issued by the Manager of Purchasing; and,
 - (ii) That the Mayor and City Clerk be authorized to execute a contract in a form satisfactory to the City Solicitor; and,
 - (c) That approval be given to issue a purchase order in the amount of \$81,213., inclusive of G.S.T. \$5,313., to commission Atlantic Roofers Ontario Limited of Hamilton, for the replacement of the roof at Central Memorial Recreation Centre being the lowest of five quotes received in accordance with the specifications issued by the Manager of Purchasing.
11. That approval be given to issue a purchase order in the amount of \$92,036.05 (inclusive of G.S.T. \$6,021.05) to commission Troy Sprinkler of Beamsville, Ontario for the replacement of the sprinkler system on Summers Lane.

12. That the City of Hamilton participate with the Canadian Diabetes Association of Hamilton-Wentworth, on Wednesday, November 1, 1995 from approximately 10:30 o'clock a.m. to 10:40 o'clock a.m. by letting their employees who would like to do so, to congregate on Main Street to catch the football to be kicked over the banner on Main Street, as part of the "kick off" for their Annual Campaign.
13. That approval be given to the action taken by the City Clerk in authorizing the Fountain Foundation to use the Council Chamber and Council Chamber Lobby on Friday, 1995 October 27, from 7:00 o'clock p.m. to 11:00 o'clock p.m. for a book launch and wine and cheese reception.
14. That approval be given to the action taken by the City Clerk in authorizing the Parks Division to use the City Hall Forecourt on Wednesday, 1995 October 19 between 11:30 o'clock a.m. and 2:00 o'clock p.m. for a Planting Ceremony for a Dutch Tulip Celebration Garden.
15. That approval be given to the action taken by the City Clerk in authorizing the Canadian Club of Hamilton to display postcards on the second floor of City Hall from 1995 October 23 to 27 to give Hamilton residents an opportunity to sign and show their support for a united Canada prior to the October 30 Quebec referendum.
16. (a) That the City of Hamilton purchase a table of 10 at a cost of \$600. for the 1995 Hamilton Gallery of Distinction Induction Ceremonies and Dinner to be held on Wednesday, 1995 November 15 at the Hamilton Convention Centre; and,
(b) That funding for this expenditure be charged to the Unclassified Account No. CH 55113 24201.
17. That the City of Hamilton participate in "The Learning Partnership" on Wednesday, 1995 November 8, by permitting its employees to have a Grade 9 student "job shadow" them throughout the day, wherever the job shadowing will not interfere with the employee's normal responsibilities.

18. (a) That the City enter into agreements with:
 - (i) Metropolitan Life for the provision of Basic Group Life, Optional Life, Dependent Life and Long Term Disability Benefits effective 1995 December 1; and,
 - (ii) CIGNA Canada for the provision of Accidental Death and Dismemberment Benefits effective 1995 December 1; and,
 - (iii) Liberty Health for the provision of Hospital Health and Dental Benefits effective 1995 December 1; and,
- (b) That the City Treasurer be authorized and directed to execute the necessary documents in a form satisfactory to the City Solicitor.
19. (a) That the 1996 General and Convention/Reception Grant Applications and Policies be made available to potential applicants with an extended deadline of 1996 January 5 (due to the Christmas Closure of City Hall December 27-30 inclusive) for the General Grant Applications; and,
- (b) That the process for reviewing and approving of these 1996 Grant Applications be considered by the Finance and Administration Committee by the end of 1996 January.
20. That pursuant to the Municipal and Liquor Licensing Statute Law Amendment Act, 1994:
 - (a) That a 5-member Licensing Committee composed of 3 elected officials and 2 citizen representatives be maintained; and,
 - (b) That application be made to the Province of Ontario to revise the Special Legislation of the Licensing Committee so that the Committee may hold hearings on behalf of City Council, as opposed to its current role of issuing licences and holding hearings; and,
 - (c) That, subject to the special legislation being obtained, the City Clerk be authorized to issue licences which meet the criteria set out and approved by City Council; and,

- (d) That Licence Code 93-069 and Second Level Lodging Home By-law 80-259 be amended to:
 - (i) Provide for an increase in the maximum fines to \$25,000. for individuals and to \$50,000. for Corporations; and,
 - (ii) That the City Treasurer be authorized to act under the new Distress Powers of the newly enacted legislation to effect payment of any fines, if and when the need arises; and,
 - (e) That the City Solicitor be authorized and directed to prepare the by-law amendments.
21. (a) That an Offer to Purchase Agreement, to be executed by 1125948 Ontario Ltd. (Marino Rakovac) and scheduled to close on or before 1996 February 15, for the purchase of a vacant parcel of land known as the northerly 27 feet throughout from front to rear of Lot 15 on the east side of Arthur Avenue South in Colin Arthur's Survey, Plan 165 of the Subdivision of part of Lot 10 in the Second Concession of the Township of Barton, in the County of Wentworth, made by J.W. Tyrrell, P.L.S., having a municipal address of 11 Arthur Avenue South, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Estate Procedural By-Law enacted on 1995 February 14 have been fulfilled by the City, and the funds derived from this sale of \$18,000. be credited to Account No. CH 4X501 00102 (Reserve for Property Purchases); and,
- (b) That the required deposit cheque in the amount of \$1,800. be held by the City Treasurer pending Council approval; and,
 - (c) That this Offer to Purchase be subject to the following conditions:
 - (i) The Vendor makes no representation, warranty, condition either express or implied as to soil or other environmental conditions, utilities, fitness for purpose of zoning and building by-laws, park, road widening or other possible dedications, or as to charges, levies and regulation of the City, the Regional Municipality, Utilities or other regulatory authorities. The Purchaser shall inspect the property and shall satisfy himself in respect of such matters prior to submitting this Offer; and,

- (ii) The Purchaser acknowledges and agrees that there are no warranties and/or representations by the Vendor and that the Property is being purchased on an "as is" basis except as specifically herein provided. The Purchaser further acknowledges that the Vendor is making no representation or warranties whatsoever with respect to the Property. The Purchaser acknowledges that it has relied entirely upon its own inspection and investigation with respect to quantity and value or the property; and,
- (iii) The Purchaser acknowledges that it has inspected the property and has conducted an independent investigation of present and past uses of the property; and that the Purchaser has not relied on any representations by the Vendor concerning any condition of the property, environment or otherwise; and,
- (iv) The Purchaser acknowledges that the subject property is zoned "G-3"; and,
- (v) The Purchaser acknowledges that present access to the property is from an unassumed City alley adjacent to the north. The City reserves the right pursuant to the Municipal Act to close said alley. The Purchaser agrees that he may be required to make application of the City at his expense for a driveway approach from Arthur Avenue South; and,
- (vi) The Purchaser acknowledges that no survey or reference plan exists for the subject property. Should the Purchaser require a survey or reference plan, he will be required to produce same at his cost and expense; and,
- (d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,
- (e) That in accordance with Real Property Sales Procedural By-Law No. 95-049:
 - (i) Satisfactory notice has been given to the public of the intended sale; and,
 - (ii) An appraisal of the market value of the property intended to be sold was obtained on 1995 June 5; and received on 1995 October 24; and,
 - (iii) The City Clerk be authorized and directed to execute (and issue) a Certificate of Compliance in a form prescribed pursuant to Section 193 of the Municipal Act.

22. (a) (i) That Section 2 of the Sixteenth Report of the Finance and Administration Committee, as approved by City Council on 1995 May 30, be amended by rescinding the approvals for the nine Street Vendor locations awarded to the Sarasota Sizzlers; and,
- (ii) That Location #25 - Pier 4 Park and location #28 - Bayfront Park, be deleted from the list; and,
- (iii) That the remaining seven locations be retendered early in 1996 for the period commencing 1996 April to the end of 1998 December; and,
- (b) (i) That Section 29 of the Seventeenth Report of the Finance and Administration Committee, as approved by City Council on 1995 June 27, be amended by rescinding the approvals for two Street Vendor locations - #2 on the north east corner of King and Catharine Streets and #3 on the north side of King Street, just east of James Street, awarded to Mr. Mustafa Ghomishah and by rescinding the one approval for Location #6 -Jarvis Square Clock Tower awarded to Mr. Troy D'Souza; and,
- (ii) That Location #2 - north east corner of King and Catharine Streets and Location #6, be retendered early in 1996, for the period commencing 1996 April to the end of 1998 December; and,
- (iii) That Location #3 - north side of King Street, east of James Street, be offered to and awarded to Mr. Jamshid Haidary for the period commencing immediately and continuing to the end of 1998 December for a lump sum fee of \$7,000. and under the usual terms and conditions (including fee, license, product, and Health Department approval); or, if this agreement is not reached, this location be retendered early in 1996 with the other locations.
- (c) That the Director of Public Works and Traffic be authorized to renegotiate the Street Vendors Agreement with Larry and Karen Charters for Pier 4 and Bayfront Parks to allow them to add to their menu the sale of hot dogs, except during Aquafest, subject to an increased payment to the City.
23. That approval be given to ratify the poll to fly the Quebec Flag at Hamilton City Hall on Thursday, 1995 October 26th or Friday, 1995 October 27th in support of a United Canada.

24. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) D-70 A By-law to Amend Adult Entertainment Parlours By-law No. 79-144 respecting Lap Dancing.
- (b) D-71 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1995 October 24**

1995 October 31

REPORT OF HIS WORSHIP MAYOR ROBERT M. MORROW

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Mayor presents his **SECOND** report for 1995 and respectfully recommends:

1. That item 8 of the Selection Procedures contained in the Membership Policy Guidelines and Associated Procedures for the Mayor's Committee Against Racism and Discrimination, endorsed by City Council on 1991 March 26, be amended by deleting the words "The Co-Chairperson will serve only one term of City Council."

RESPECTFULLY SUBMITTED

Robert M. Morrow
Mayor

Stella Glover
Secretary

1995 September 18

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1995 OCTOBER 31
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Adult Entertainment Parlours By-law No. 79-144

Respecting:

LAP DANCING

WHEREAS adult entertainment parlours are licensed, regulated and governed in By-law No. 79-144 as amended;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 7 of the 22nd Report of the Finance and Administration Committee, at its meeting held on the 26th day of September, 1995, directed that By-law No. 79-144 be further amended out of concern for the health and safety of attendants and patrons at adult entertainment parlours, to provide for the banning of touching between attendants and other persons in an adult entertainment parlour, the banning of advertising of lap dancing, and the posting of a sign;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Licensing By-law No. 79-144, be further amended by adding the sign as "Form 6", which is attached to and forms a part of this by-law.

2. Schedule 1.01 to By-law 79-144, be further amended by adding the following sections under Part 8 (General Requirements), after section 39:

"39a. The owner or operator of an Adult Entertainment Parlour shall display the sign attached as Form 6, which is included in and forms a part of this by-law, within the licensed premises, in an area accessible and visible to the public, to inform the patrons.

39b. The owner or operator of an Adult Entertainment Parlour shall not use signs or other advertisements promoting the business, which contain the words "lap dancing" or other similar or synonymous words or phrases.

39c. No person shall, being licensed as an owner or operator of an Adult Entertainment Parlour, permit in the parlour, an Attendant to have physical contact with another person's body, or to touch or be touched by another person.

39d. No attendant shall, during the provision of services within an Adult Entertainment Parlour, touch or have physical contact with another person."

3. In all other respects By-law No. 79-144 as amended, is hereby confirmed without change.

PASSED this day of A.D. 1995.

CITY CLERK

MAYOR

BY-LAW NO. 95 -

**TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF
THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 31ST DAY OF
OCTOBER A.D., 1995.**

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 31st day of October A.D. 1995

ACTING CITY CLERK

MAYOR

URBAN/MUNICIPAL
CAY ON HBL AOS
A31
1995



The Urban/Municipal Collection
2nd Floor
Hamilton Public Library
+ Bill

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, 1995 November 14
7:30 o'clock p.m.
Council Chambers, City Hall**

URBAN MUNICIPAL

NOV 10 1995

**J. J. Schatz
City Clerk**

AGENDA

1. National Anthem.

GOVERNMENT DOCUMENTS

**2. Opening Prayer: The Rev. Tony Ouwehand
Zion United Church**

3. Presentations: - Certificates of Recognition

(a) Rev. Csaba Baksa
The John Calvin Hungarian Presbyterian Church

(b) Mr. Larry Kelly, Sr.
Kelly Auto Body Limited

Mr. Seamus Kelly and
Mr. Larry Kelly, Jr., Sales and Marketing

4. Adoption of the minutes of the meeting held:

- (a) 1995 October 31
- (b) 1995 November 2

5. Correspondence\Petitions

6. Reports of the Standing Committees:

- (a) Transport and Environment Committee
- (c) Planning and Development Committee
- (d) Finance and Administration Committee
- (e) City of Hamilton Licensing Committee

- 7. *Notice of Motion from last meeting. - Alderman D. Ross***
- 8. *Notices of Motion for next meeting.***
- 9. *Question Period.***
- 10. *Adjournment.***

MINUTES

Minutes of Hamilton City Council
Tuesday, 1995 October 31
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Acting Mayor Agro.
Aldermen Kiss, Caplan, McCulloch, Morelli, Drury, Wilson, Eisenberger,
Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross.

Absent: Mayor Morrow - City business
Alderman Copps - Vacation

Acting Mayor Agro called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Pastor Ivars Gaide, Christ Lutheran Church led Council in prayer.

ADOPTION OF MINUTES

The minutes of the meeting held 1995 October 10 were adopted as circulated.

CORRESPONDENCE

1. Letter dated 1995 October 26 from S. G. Hollowell, Acting City Clerk regarding objections to By-law 95-182 respecting property at 1451 to 1477 Upper James Street.

Recommendation: **Received.**

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Report of His Worship Mayor Morrow, be considered in Committee of the Whole with Alderman Ross in the chair.

Recorded vote.

YEAS: Acting Mayor Agro, Aldermen Kiss, Caplan, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -15.

NAYS: -0.

CARRIED.

PARKS AND RECREATION COMMITTEE - EIGHTEENTH REPORT

Section 10 Re: Scott-MacDonald Limited

It was moved by Alderman Morelli and seconded by Alderman Eisenberger that section 10 of the Eighteenth Report of the Parks and Recreation Committee for 1995 be amended by deleting "November 30" in the fourth line and replacing that with "December 15".

CARRIED.

PARKS AND RECREATION COMMITTEE - NINETEENTH REPORT

PLANNING AND DEVELOPMENT COMMITTEE - TWENTIETH REPORT

FINANCE & ADMINISTRATION COMMITTEE - TWENTY-FIFTH REPORT

Section 1 Re: International Liszt Festival

It was moved by Alderman Merling and seconded by Alderman McCulloch that Section 1 of the Twenty-Fifth Report of the Finance and Administration Committee for 1995 be tabled to the first meeting of City Council in January, 1996. **CARRIED.**

FINANCE AND ADMINISTRATION COMMITTEE - TWENTY-SIXTH REPORT

REPORT OF HIS WORSHIP MAYOR MORROW - SECOND REPORT

RECONSIDERATION

Victoria Hall and the MacKay Building

Section 9 Re: Acquisition of Victoria Hall and the MacKay Building

It was moved by Alderman Wilson and seconded by Alderman Charters that Section 9 of the Seventeenth Report for 1995 of the Planning and Development Committee approved by City Council at its meeting held Tuesday, 1995 August 29th concerning the acquisition of Victoria Hall and the MacKay Building located at 66-68 King Street East, be reconsidered. **CARRIED.**

9. That, in accordance with the Minister of Canadian Heritage, Mr. Michel Dupuy's decision to recognize Victoria Hall at 68 King Street East as a National Historic Site, and the recommendation of the Local Architectural Conservation Advisory Committee, City Council:
 - a) proceed with the acquisition of the building located at 68 King Street East and the adjacent MacKay Building at 66 King Street East (deeded as a single property); and,
 - b) follow the recommendation of Lansink, Best & McIver Ltd., Real Estate Appraisers and Consultants, to expropriate the two properties under the provincial Expropriation Act; and,
 - c) that this matter be referred to the Finance and Administration Committee to determine the method of financing.

Recorded vote.

YEAS: Aldermen Kiss, Caplan, McCulloch, Drury, Eisenberger, D'Amico. -6.

NAYS: Acting Mayor Agro, Aldermen Morelli, Wilson, Collins, Charters, Jackson, Merling, Anderson, Ross. -9. **LOST.**

* * * * *

Section 6 Re: Inspection of Interior - Victoria Hall and the MacKay Building

It was moved by Alderman Wilson and seconded by Alderman Charters that Section 6 of the Eighteenth Report for 1995 of the Planning and Development Committee approved by City Council at its meeting held Tuesday, 1995 September 26th respecting the Victoria Hall and The MacKay Building at 66-68 King Street East be reconsidered. **CARRIED.**

6. (a) That pursuant to section 38 of the Ontario Heritage Act, the owner of 66 and 68 King Street East (Victoria Hall and The MacKay Building) be notified that the City requires an inspection of the interior of the property by its Building Commissioner or his designate to assist the City in determining the action the City may pursue to provide for preservation of the property's value as a property of historic and architectural significance; and,
- (b) That, in accordance with section 36(2) of the Ontario Heritage Act and sec.28(3) of the Planning Act, in order to expropriate the property known municipally as 66 and 68 King Street East (Parts 1 & 2, Ref Plan 62R-7339), to provide for the community improvement and preservation of this streetscape and its historical aspects, the City Clerk be authorized and directed to:
 - (i) give Notice of the City's application to all owners, registered owners and tenants (as defined in the Expropriations Act) of the said lands; and,
 - (ii) advertise Notice of the City's application in a newspaper as required by the Expropriations Act; and,
 - (iii) sign and receive the said application for approval of the expropriation.

Recorded vote.

YEAS: Aldermen Kiss, Caplan, McCulloch, Drury, Eisenberger, D'Amico. -6.

NAYS: Acting Mayor Agro, Aldermen Morelli, Wilson, Collins, Charters, Jackson, Merling, Anderson, Ross. -9. **LOST.**

* * * * *

Section 1 Re: Expropriation - Victoria Hall and MacKay Building

It was moved by Alderman Wilson and seconded by Alderman Charters that Section 1 of the Seventh Report for 1995 of the Committee of the Whole respecting the funding for the acquisition of the MacKay Building and the Victoria Hall at 66-68 King Street East, which was tabled by City Council at its meeting held Tuesday, 1995 September 26th, be now lifted from the table. **CARRIED.**

1. (a) That the expropriation and renovation for the acquisition of the MacKay Building and the Victoria Hall located at 66-68 King Street East - under Section 9 of the 17th Report of the Planning and Development Committee adopted by Council at its meeting of 1995 August 29 be financed by the issuance of debentures at an estimated cost of \$2,469,000. and the City Solicitor be authorized to prepare an appropriate By-law for the above; and,
- (b) That the Regional Municipality of Hamilton-Wentworth be requested to consent to the issuance of debenture in the amount of \$2,469,000. for a term not to exceed 20 years for the above project; and,
- (c) That the City Treasurer be authorized to revise the 1995-2004 Capital Budget to reflect the increased debt requirement for the above project as follows:
 - (i) the average debenture charges expressed as a percentage of levy be revised from 11.75% to 11.96% for the ten year period.
 - (ii) the average compound rate of increase per year in debenture charges be revised from 2.18% to 2.39%.
 - (iii) the debt requirement for 1995 be revised from \$14,905,000. to \$17,374,000., an increase of 16.56%.

Recorded vote.

YEAS: Aldermen Kiss, Caplan, McCulloch, Drury, Eisenberger, D'Amico. -6.

NAYS: Acting Mayor Agro, Aldermen Morelli, Wilson, Collins, Charters, Jackson, Merling, Anderson, Ross. -9. **LOST.**

* * * * *

Section 2 Re: Verification of facts and figures - Victoria Hall and MacKay Building

It was moved by Alderman Wilson and seconded by Alderman Charters that Section 2 of the Seventh Report for 1995 of the Committee of the Whole approved by City Council on 1995 September 26th, respecting the verification of facts and figures for the restoration of the Victoria Hall and the MacKay Building, as follows, which was tabled for three weeks by City Council at its meeting held Tuesday, 1995 October 10th, be now lifted from the table.

CARRIED.

2. (a) That the Director of Property and the Commissioner of Building be directed to verify all facts and figures provided for the restoration of the Victoria Hall and the MacKay Building; and,
- (b) That an outside consultant provide a report for the architectural and engineering aspects of the Victoria Hall and the MacKay Building.

Recorded vote.

YEAS: Aldermen Kiss, Caplan, McCulloch, Drury, Eisenberger, D'Amico. -6.

NAYS: Acting Mayor Agro, Aldermen Morelli, Wilson, Collins, Charters, Jackson, Merling, Anderson, Ross. -9.

LOST.

NOTICE OF MOTION FOR NEXT MEETING (November 14, 1995)

Alderman Ross gave notice that he would move at the next regular meeting of City Council the following motion:

"That Hamilton be considered for a designated site for a provincially operated casino."

ACTING MAYOR FOR THE MONTH OF NOVEMBER, 1995

It was moved by Alderman Kiss and seconded by Alderman Caplan that Alderman W. McCulloch be appointed Acting Mayor for the month of November, 1995.

CARRIED.

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the Report of His Worship Mayor Morrow, and resolutions be adopted.

Recorded vote.

YEAS: Acting Mayor Agro, Aldermen Kiss, Caplan, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -15.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 9:05 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

S. G. Hollowell
1995 October 31
SGH/dg

Minutes of the Special
City Council Meeting
Thursday, November 2, 1995
3:30 o'clock p.m.
Room 233, City Hall

The Council met.

Present: Acting Mayor M. Kiss
Aldermen Caplan, McCulloch, Morelli, Wilson, Eisenberger, Collins, Jackson,
Charters, Merling, Anderson, Ross.

Absent: Mayor Morrow - City Business
Alderman V. J. Agro - City Business
Alderman D. Drury - Regional Business
Alderman G. Copps - Vacation
Alderman F. D'Amico - Other Business

It was moved by Alderman Charters and seconded by Alderman Wilson that Rule No. 3 (d) of the Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to permit a special meeting of City Council without the giving of 24 hours notice.

* * * * *

It was moved by Alderman Charters and seconded by Alderman Wilson that the Report of the Committee of the Whole be considered in Committee of the Whole with Acting Mayor Kiss in the Chair.

Recorded vote.

YEAS: Acting Mayor Kiss, Aldermen Caplan, McCulloch, Morelli, Wilson, Eisenberger,
Collins, Charters, Jackson, Merling, Anderson, Ross. -12.

NAYS: -0.

CARRIED.

COMMITTEE OF THE WHOLE - EIGHTH REPORT

Constituent Assembly

It was moved by Alderman Charters and seconded by Alderman Wilson that the Report of the Committee of the Whole on the Report of the Committee of the Whole, be adopted.

Recorded vote.

YEAS: Acting Mayor Kiss, Aldermen Caplan, McCulloch, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, Ross. -12.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 3:40 o'clock p.m.

* * * * *

Taken as read and approved.

Acting Mayor M. Kiss

S. G. Hollowell, Acting City Clerk
1995 November 2
SGH/dg

CORRESPONDENCE

Correspondence:

1. Letter dated 1995 November 6 from 603815 Ontario Incorporated, A. Hemstreet, 75 Lancing Drive, Unit H, Hamilton, for a further modification to the established "C" (Urban Protected Residential, etc.) District regulations for lands at No. 1492 Upper James Street, Hamilton, Ontario.

Recommendation:

Be received.

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **THIRTEENTH** Report for 1995 and respectfully recommends:

1. (a) That a "Permit Parking" regulation be implemented on the north side of Hunter Street West between Poulette Street and Locke Street South, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

 (b) That the Commissioner of Public Works and Traffic be authorized to issue two parking permits to No. 347 Hunter Street West and one parking permit per residence to Nos. 356, 360, 362, 364, 371 and 374 Hunter Street West and any additional permits (to a maximum of 11) on a first come first served basis.
2. (a) That a "No Parking" regulation be implemented on the west side of Uplands Avenue commencing at Norwood Road and extending to a point 87 feet northerly therefrom; and,

 (b) That a "No Parking" regulation be implemented on the south side of Norwood Road commencing 149 feet west of Bond Street North and extending to a point 72 feet westerly therefrom; and,

 (c) That the City Traffic By-law No. 89-72 be amended accordingly.
3. That a "Three Hour Parking Time Limit, 24 hours a day, 7 days a week" regulation be implemented on the north side of Tuckett Street between Locke Street South and Pearl Street South and that the City Traffic By-law No. 89-72 be amended accordingly.
4. That a "Three Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the south side of Herkimer Street commencing at a point 98 feet west of Park Street South and extending to a point 215 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.

5. That a "School Bus Loading Zone, 11:00 a.m. to 2:00 p.m., Monday to Friday" regulation be implemented on the east side of High Street commencing at a point 65 feet north of the north curb line of Sherwood Rise and extending 52 feet northerly and the City Traffic By-law No. 89-72 be amended accordingly.
6. That the existing "School Bus Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the south side of Thorner Drive commencing at a point 84 feet west of the west curb line of Deerborn Drive and extending 120 feet westerly therefrom, be revised such that the regulation commences 85 feet east of the east curb line of Bishopsgate Avenue and extending 120 feet easterly therefrom, and the City Traffic By-law No. 89-72 be amended accordingly.
7.
 - (a) That the existing "Alternate Side Parking" regulation on Robins Avenue between Barton Street East and Newlands Avenue be replaced with a "Permit Parking" regulation on the west side between Barton Street East and the south property line of No. 121 Robins Avenue and a "No Parking" regulation on the east side between Barton Street East and Newlands Avenue; and,
 - (b) That a "No Stopping" corner clearance be implemented on the east side of Robins Avenue commencing at Newlands Avenue and extending to a point 38 feet southerly therefrom; and,
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (d) That the Commissioner of Public Works and Traffic be authorized to issue two parking permits to No. 136 Robins Avenue and one parking permit per residence to Nos. 128 and 130 Robins Avenue and any additional permits (to a maximum of six) on a first come first serve basis.
8. That a "No Parking" regulation be implemented on the east side of Lawnview Drive between Lawnhurst Drive and Limeridge Road East and that the City Traffic By-law No. 89-72 be amended accordingly.
9.
 - (a) That a "Permit Parking" regulation be implemented on the east side of Paling Avenue commencing at a point 726 feet south of Barton Street East and extending to a point 21 feet southerly therefrom, and on the west side of Paling Avenue commencing at a point 725 feet south of Barton Street East and extending to a point 25 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

- (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Robert Etherden, No. 272 Paling Avenue.
- 10.
 - (a) That a "Permit Parking" regulation be implemented on the east side of Third Avenue commencing at a point 96 feet north of Beach Boulevard and extending to a point 22 feet northerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Terry Melko, No. 935 Beach Boulevard.
- 11.
 - (a) That the existing "Permit Parking" regulation on the south side of Monterey Avenue which commences 60 feet east of Park Row South and extends to Province Street South be shortened, such that the regulation commences 88 feet east of Park Row South and extends to Province Street South, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the maximum number of permits to be issued be reduced from six to five.
- 12. That a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the north side of Bold Street between Queen Street South and Hess Street South and that the City Traffic By-law No. 89-72 be amended accordingly.
- 13. That a "Two Hour Parking Time Limit, 9:00 a.m. to 5:00 p.m., Monday to Friday" regulation be implemented on both sides of Broadway Avenue between Whitney Avenue and Willowcrest Avenue and that the City Traffic By-law No. 89-72 be amended accordingly.
- 14. That a "No Parking" regulation be implemented on the north side of Sanatorium Road commencing at Garth Street and extending to a point 106 feet easterly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
- 15. That a "One Hour Parking Time Limit, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation be implemented on the west side of West 2nd Street between Fennell Avenue and Brantdale Avenue and that the City Traffic By-law No. 89-72 be amended accordingly.

16. (a) That a "Wheelchair Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the east side of Rifle Range Road commencing at a point 266 feet south of the south curb line of Whitney Avenue and extending 30 feet southerly; and,

(b) That the existing "School Bus Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the east side of Rifle Range Road commencing at a point 333 feet south of the south curb line of Rifle Range Road and extending 36 feet southerly therefrom be revised such that the regulation commences 296 feet south of the south curb line of Whitney Avenue and extends 110 feet southerly; and,

(c) That the City Traffic By-law No. 89-72 be amended accordingly.
17. That the existing "Permit Parking" regulation on the north side of Bristol Street commencing at a point 26 feet east of Sanford Avenue North and extending to a point 29 feet easterly therefrom be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.
18. (a) That the existing residential boulevard parking agreement registered as Instrument No. 202689 C.D. to the property at No. 227 West Avenue North be amended, at the property owner's expense, to allow two vehicles to be parked on the City road allowance; and,

(b) That the City Solicitor be directed to process the documents in relation to the amendment of this agreement.
19. That all-way stop control be implemented at the intersection of Catharine Street South and Young Street and that the City Traffic By-law No. 89-72 be amended accordingly.
20. That four-way stop control be implemented at the intersection of Holly Avenue and McAnulty Boulevard and that the City Traffic By-law No. 89-72 be amended accordingly.
21. That all-way stop control be implemented at the intersection of Jackson Street East and Hughson Street South and that the City Traffic By-law No. 89-72 be amended accordingly.

22. That in accordance with the request by the Hamilton Street Railway, the following bus stop be approved:

Route No. 8 York

Add - Northbound - MacNab Street South (West Leg), east side, 18.6 metres south of the south curb line of King Street West (N/S) - recovery point.

23. (a) That in accordance with the request by the Hamilton Street Railway Company, the following bus stops be removed and/or installed:

Route No. 2 Barton

- (i) Delete - Southbound - Talbot Street, west side, 80 feet north of the north curb line of Melvin Avenue (N/S); and,
- (ii) Delete - Westbound - Melvin Avenue, north side, 28 feet east of the east curb line of Osborne Street (N/S); and,
- (iii) Delete - Westbound - Melvin Avenue, north side, 120 feet east of the east curb line of Woodward Avenue (N/S); and,
- (iv) Delete - Eastbound - Melvin Avenue, south side, 25 feet west of the west curb line of Eastwood Street (N/S); and,
- (v) Delete - Eastbound - Melvin Avenue, south side, 82 feet east of the east curb line (projected) of Osborne Street (M/B); and,
- (vi) Add - Southbound - Woodward Avenue, west side, 25 feet north of the north curb line of Melvin Avenue (N/S); and,

- (b) That the City Traffic By-law No. 89-72 be amended accordingly.

24. (a) That a second School Crossing Guard be assigned to the intersection of Mohawk Road West and Upper Paradise Road during the morning and evening school crossing periods for the balance of 1995 and up until the approval of the 1996 Departmental Budget; and,
- (b) That consideration be given in the 1996 current budget deliberations for an expansion package of \$4,000. plus administrative costs for a school crossing guard at this location on a permanent basis.
25. (a) That a School Crossing Guard be assigned to the intersection of Brigade Drive and Emperor Avenue during the morning and evening school crossing periods for the balance of 1995 and up until the approval of the 1996 Departmental Budget; and,
- (b) That consideration be given in the 1996 current budget deliberations for an expansion package of \$1,700. plus administrative costs for a school crossing guard at this location on a permanent basis; and,
- (c) That the lunch time school crossing service be discontinued at the intersection of Jay Street and Upper Wellington Street.
26. (a) That the following streets or sections of streets be deleted from the City of Hamilton Snow Route System:
- Aberdeen Avenue between Hess Street South and James Mountain Road
 - Angela Avenue between West 31st Street and Upper Paradise Road
 - Argo Street between San Remo Drive and San Antonio Drive
 - Beach Road between Grenfell Street and Burlington Street East
 - Benson Avenue between Grenfell Street and Beach Road
 - Berko Avenue between Upper Sherman Avenue and Folkstone Avenue
 - Blake Avenue between Maplewood Avenue and Main Street
 - Brant Street between Wentworth Street North and Birch Avenue
 - Catharine Street South between Charlton Avenue East and Barton Street East
 - Christie Street between Malton Drive and Kennedy Avenue
 - Division Street between Harrison Avenue and Barton Street
 - Dock Service Road between Guise Street and Ferguson Avenue
 - Eaglewood Drive between Eva Street and Eleanor Avenue
 - East 42nd Street between Ninth Avenue and Mohawk Road East
 - Eleanor Avenue between Eaglewood Drive and Rymal Road East
 - Elora Drive between Upper Horning Road and Elmira Drive

- Eva Street between Rymal Road and Eaglewood Drive
- Ferguson Avenue North, north of Burlington Street
- Ferguson Avenue North between King Street East and Cannon Street East
- Ferrie Street East between Wellington Street North and Victoria Avenue
- Folkstone Avenue from end to end
- Gailmont Drive between Orphir Road to King Street East
- Glover Road south of Rymal Road
- Guise Street between MacNab Street and Dock Service Road
- Haddon Avenue between Main Street West and King Street West
- Harmony Avenue between Barton Street and Harrison Avenue
- Harrison Avenue between Harmony Avenue and Division Street
- Kennedy Avenue between West 5th Street and Highway #6
- Macassa Avenue between Upper Sherman Avenue and Upper Gage Avenue
- Malton Drive between Christie Drive and Highway #6
- Margaret Street between King Street and Main Street
- Mary Street between King Street East and Barton Street East
- Orphir Road between Rainbow Drive and Pottruff Road
- Parkdale Avenue South between King Street East and Lawrence Road
- Pottruff Road South between Orphir Road and King Street East
- Queensbury Drive between Queen Victoria Drive and Upper Ottawa Street
- Queen Victoria Drive between Queensbury Drive and Redbury Street
- Rainbow Drive between Orphir Road and Nash Road
- Redbury Street between Queen Victoria Drive and Upper Ottawa Street
- Sherman Avenue South between Delaware Avenue and south of Cumberland Avenue
- Upper Horning Road between Horning Drive and Mohawk Road West
- Upper Kenilworth Avenue south of Limeridge Road East
- Warrington Street from end to end
- Wendover Drive between Magnolia Drive and Rice Avenue
- West 31st Street between Angela Avenue and Scenic Drive; and,

(b) That the City Traffic By-law No. 89-72 be amended accordingly.

27. (a) That, in accordance with Section 15(1) of the Police Services Act, 1990, the following person be appointed as Parking Control Officer:

William London; and,

- (b) That the following appointments as Parking Control Officers be repealed:

Brad McCoy
Anthony Picard
Clive Reynolds

28. That the contract position of Traffic Operations Technologist, Salary Grade 23, in the City of Hamilton Department of Public Works and Traffic be extended for a duration of 30 months.

29. (a) That the following City land be incorporated into certain streets in order to complete the final street width or to provide access to the newly registered subdivision development:

Upper Gage Avenue	Blocks 78 and 80	Plan 62M-780
Upper Horning Road	Part 2	Plan 62R-13544; and,

- (b) That the by-laws to carry out the incorporation of the said land into the foregoing streets be enacted by Council; and,
- (c) That the Commissioner of Transportation/Environmental Services be authorized and directed to register the by-laws.

30. That the provision of upgrades to the ventilation system of the sign manufacturing area of the Traffic Operations Centre be authorized, at a cost of not to exceed \$65,000., with funding being provided from Account No. CF758841001.

31. (a) That the Chairman or his designate be authorized to attend the Ontario Good Roads Association Annual Conference to take place on 1996 February 25 to February 28, Royal York Hotel, Toronto, Ontario; and,
- (b) That costs for attendance be charged to Aldermen Travel Account No. CH55201 10010 from the 1995 Operating Budget.

32. (a) That the City of Hamilton not enter into Garbage Collection Agreements on private property where sanitation vehicles cannot accommodate the garbage collection without reversing the vehicle; and,

(b) That during the site plan approval process, the applicant be advised by the Traffic Division of the Department of Public Works and Traffic whether or not garbage collection can be accommodated on site taking into consideration the requirement for no reversing vehicle movements.
33. That the Department of Public Works and Traffic be authorized to continue to fund Arboriculture Storm Damage Centre Account No. 60428, recognizing that this account is in overdraft.
34. That three-way stop control be implemented at the intersection of Lockheed Drive and Racalmuto Street and that the City Traffic By-law No. 89-72 be amended accordingly.
35. That the Hamilton Parking Authority not be directed to cancel the Courtesy Envelope Program.
36. (a) That the West Central Branch of the Ontario Ministry of Environment and Energy (M.O.E.E.) be advised that the City of Hamilton has no objection to Hotz Environmental Services Inc. amending the Provisional Certificate of Approval No. A100146, for a waste disposal site (processing), located at No. 239 Lottridge Street, Hamilton, provided that all environmental safeguards normally associated with this type of activity are implemented to the satisfaction of the Ontario Ministry of Environment and Energy, and that all applicable City By-laws are complied with fully; and,

(b) That a copy of this report be forwarded to the West Central Branch of the Ontario Ministry of Environment and Energy for their consideration in the preparation of the Provisional Certificate of Approval which would apply to the operation of the Household Hazardous Waste facility operated by Hotz Environmental Services Inc.; and,

(c) That the Ontario Ministry of Environment and Energy is requested to forward a copy of the final Provisional Certificate of Approval for Hotz Environmental Services Inc. to the City of Hamilton upon its completion.

37. That the application of the Hamilton Santa Claus Parade Committee to temporarily close the following streets on Saturday, 1995 November 18:

- (a) Peter Street between Ray Street and Hess Street from 7:00 o'clock a.m. to 11:00 o'clock a.m.; and,
- (b) Napier Street between Ray Street and Hess Street from 8:00 o'clock a.m. to 11:00 o'clock a.m.; and,
- (c) Market Street between Queen Street and Ray Street from 9:00 o'clock a.m. to 12:00 o'clock noon; and,
- (d) Hess Street between Jackson Street and Market Street from 9:30 o'clock a.m. to 12:30 o'clock p.m.; and,
- (e) Hess Street between York boulevard and Cannon Street from 9:30 o'clock a.m. to 12:30 o'clock p.m.; and,
- (f) Caroline Street between Jackson Street and Market Street from 9:30 o'clock a.m. to 12:30 o'clock p.m.; and,
- (g) MacNab Street between Hunter Street and Main Street from 9:30 o'clock a.m. to 12:30 o'clock p.m.; and,
- (h) Hughson Street between Jackson Street and King William Street from 9:30 o'clock a.m. to 12:30 o'clock p.m.; and,

be approved, subject to the following conditions:

- (i) That the prior approval of the Chief of Police or his/her designate be received, and that such permits or authorizations as may be required by the Chief of Police or his/her designate be obtained; and,
- (ii) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his/her designate; and,
- (iii) That all barricading be supplied by the Department of Public Works and Traffic; and,
- (iv) That "Temporary Road Closure" signs be installed in advance by the City of Hamilton Department of Public Works and Traffic on the affected roadways, if deemed necessary by the Commissioner of Public Works and Traffic; and,

- (v) That no property owner or resident within the barricaded area be denied access to their property upon request; and,
 - (vi) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services; and,
 - (vii) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the City and at the expense of the event organizer; and,
 - (viii) That the standard liability provision that the applicant provide proof of \$2,000,000. public liability insurance, naming the City of Hamilton and the Region of Hamilton-Wentworth and holding the City of Hamilton and Region of Hamilton-Wentworth harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss be waived, and the City of Hamilton provide this standard insurance requirement.
38. That the Commissioner of Public Works and Traffic be authorized and directed to initiate the construction of a concrete sidewalk on the south side of Solidarnosc Place between St. Olga Street and Barnesdale Avenue North as a local improvement under Section 12 of the Local Improvement Act.
39. That southbound traffic on Corsica Court be required to stop for eastbound and westbound traffic on Bonaparte Way and that the City Traffic By-law No. 89-72 be amended accordingly.
40. That eastbound traffic on Bourbon Court be required to stop for northbound and southbound traffic on Brigade Drive and that the City Traffic By-law No. 89-72 be amended accordingly.
41. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) A-64 A By-law to Amend By-law No. 89-72 to Regulate Traffic
 - (b) A-65 A By-law to Amend By-law No. 89-72 to Regulate Traffic
 - (c) A-66 A By-law to incorporate city land designated as Blocks 78 and 80, Plan 62M-780 into Upper Gage Avenue

1995 November 14

- (d) A-67 A By-law to incorporate city land designated as Part 2, Plan 62R-13544 into Upper Horning Road
- (e) A-68 A By-law to amend By-law No. 94-137 to close a portion of Mead Avenue for a temporary period

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

1995 November 6

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **TWENTY-FIRST** Report for 1995 and respectfully recommends:

1. (a) That approval be given to Amended Zoning Application ZAR-95-26, Whatmough Management Inc. (S. Whatmough), owner, requesting a modification to the "D" (Urban 1Protected Residential - One and Two Family Dwellings, etc.) District regulations, to permit a book store on the ground floor of the existing dwelling, for property located at No. 412 Aberdeen Avenue, as shown on the attached map marked as Appendix "A", on the following basis:
 - (i) That the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations as contained in Section 10. of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (1) Notwithstanding Section 10.(1) of Zoning By-law No. 6593, the following shall be permitted:
 - (a) a retail book store carried on for remuneration entirely within the existing dwelling by an owner residing in the dwelling unit as their principal place of residence, subject to the following requirement:
 - (i) a retail book store shall be located only on the ground floor of the existing building, with a maximum floor area not to exceed 15% of the total habitable floor area of the dwelling unit; and,
 - (b) one non-illuminated business identification sign that is a name plate or a ground sign, subject to the following requirements:
 - (i) the area of any sign shall not exceed 0.2 m²;
 - (ii) a ground sign shall be located a minimum of 3.0 m from the front lot line and east side lot line; and,

- (iii) a ground sign shall have a maximum height of 1.0 m.;
 - (b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1350, and that the subject lands on Zoning District Map W-14 be notated S-1350;
 - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-14, for presentation to City Council;
 - (d) That this proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
2. That the Building Commissioner be authorized to issue demolition permits, in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended, as follows:
- 1406 Upper Sherman Avenue
130 Lawrence Road
3. (a) That a Commercial Loan in the amount of eight thousand, eight hundred and eight dollars (\$8,808.) to James Malcolm McLean for improvements to 468 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 percent, amortized over a ten year period, and;
- (b) That a grant from the Barton Street Revitalization Fund in the amount of four thousand, four hundred and four dollars (\$4,404.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program, subject to receipt of Provincial funds being the second instalment of \$100,000. under the program.
4. (a) (i) That a Commercial Loan in the amount of twenty-five thousand dollars (\$25,000.) to Whitefriargate Investments Inc. for improvements to 480 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 per cent, amortized over a ten years, and;
- (ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.

- (b)
 - (i) That a Commercial Loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000.) to Whitefriargate Investments Inc. for rehabilitation to 478-484 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 per cent, amortized over 10 years, and;
 - (ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars (\$2,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.
- 5. (a) That approval be given to application SAC-95-07 (Regional File No. 25T-95008), Tyka Investments Limited, owner, to establish a draft plan of subdivision "Wentworth Court Addition", on lands located west of Upper Wentworth Street on Crerar Drive in the Crerar Neighbourhood, as shown on the attached map marked as Appendix "B", subject to the following conditions:
 - (i) That this approval apply to the plan, as revised in red, prepared by A.J. Clark and Associates Ltd. and certified by B.J. Clark, O.L.S., dated March 16, 1995, showing 4 lots for single family dwellings and 2 blocks for future residential purposes, and the extension of Crerar Drive, attached as Appendix "C";
 - (ii) That the Owner acquire all necessary lands to establish Crerar Drive to its full width and that these lands be conveyed to the City of Hamilton as a public highway prior to registration of the final plan of subdivision;
 - (iii) That the radius of the cul-de-sac bulb be increased to a minimum of 15.0 metres;
 - (iv) That Block 6 be developed in conjunction with the abutting lands to the west;
 - (v) That the street be named to the satisfaction of the City of Hamilton;
 - (vi) That the final plan conform with the Zoning By-law approved under the Planning Act;
 - (vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan;

- (viii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes;
 - (ix) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton;
 - (x) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement, prior to the issuance of a final release by the City of Hamilton;
 - (xi) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, City of Hamilton, a municipal street numbering plan;
 - (xii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,
 - (xiii) That the Owner be required to enter into a subdivision agreement with the City of Hamilton prior to development of any portion of these lands; and,
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-95008), Tyka Investments Limited, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
- (c) That the Regional Commissioner of Planning and Development be advised that the City of Hamilton has no objection to the request by Robert Shelly to red-line revise the adjacent Draft Approved plan of subdivision "Wentworth Court" (Regional File No. 25T-85037) to reflect the lotting pattern and cul-de-sac location of the "Wentworth Court Addition" plan; and,
- (d) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.
6. Regarding the scheduled November 24, 1995 Ontario Municipal Board Hearing of an appeal of Committee of Adjustment decision (A-94:214) granting a variance to increase the number of permitted beds from 6 to 8 in a residential care facility at 121 Ivon Avenue, that the Law Department be directed instead of defending the decision of the Committee, to seek an adjournment of the hearing in order to allow the applicant to fulfill the parking requirements of By-law No. 6593, or to receive approval to a further

1995 November 14

minor variance with respect to compliance with the parking requirements contained in By-law No. 6593.

7. That the following Bills be adopted, signed, sealed and enrolled as a By-laws:
- (a) C-58 By-law to Amend By-law No.94-095 Respecting 1994 Debenture Project and Amount.
 - (b) C-59 By-law to Amend Zoning By-law No. 6593 as Amended by Zoning By-law No. 94-133 Respecting Land Located at the North-West Corner of Garth Street and Rymal Road West.

Respectfully submitted,

**ALDERMAN D. DRURY, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE**

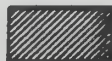
**Tina Agnello
Secretary
1995 November 8**

1995 November 14

Appendix "A" referred
to in Section 1(a) of the
TWENTY-FIRST Report of the
Planning and Development
Committee for 1995.



Legend

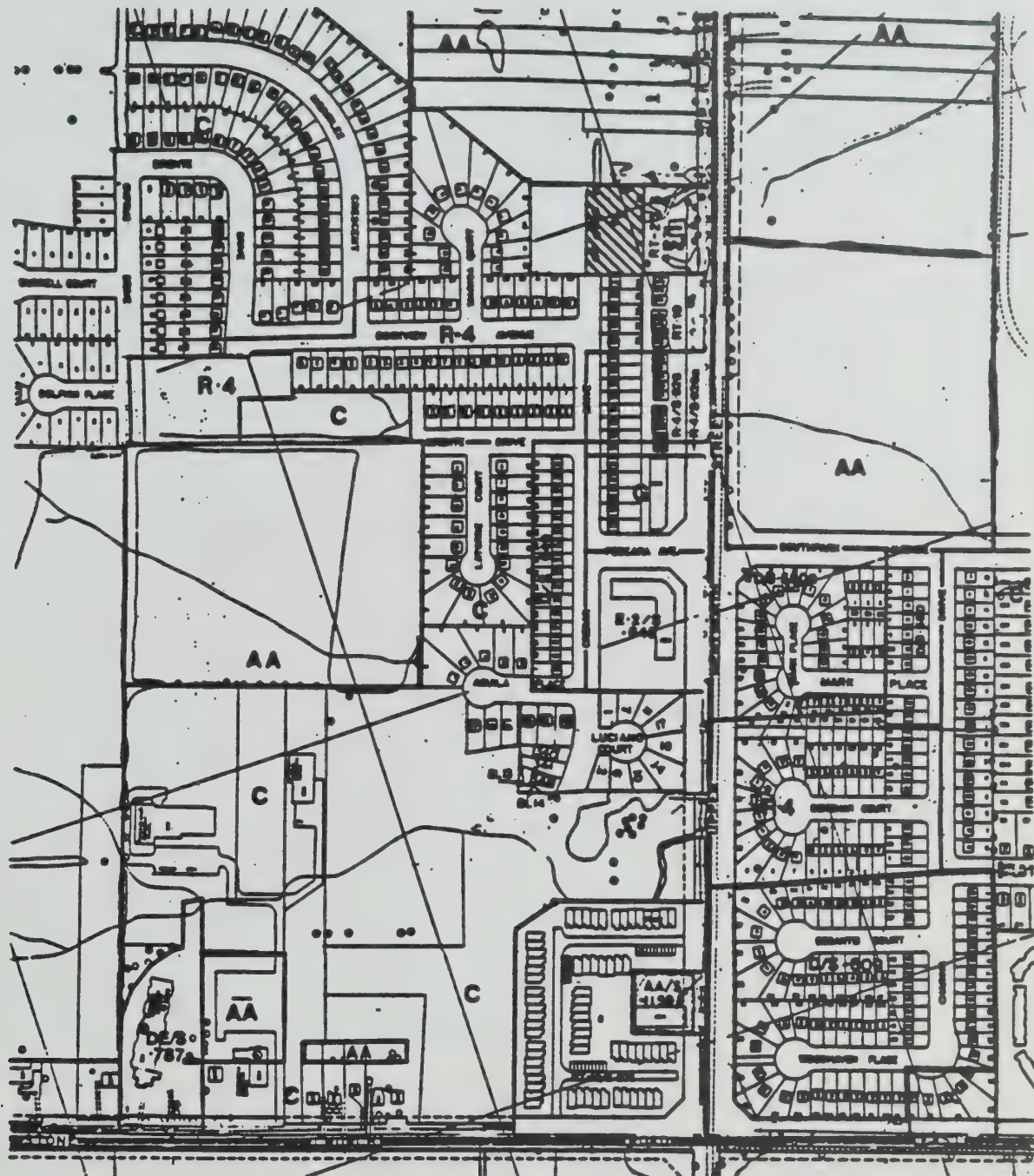


Site of the Application

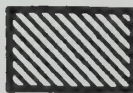


1995 November 14

Appendix "B" referred
to in Section 5(a) of the
TWENTY-FIRST Report of the
Planning and Development
Committee for 1995.



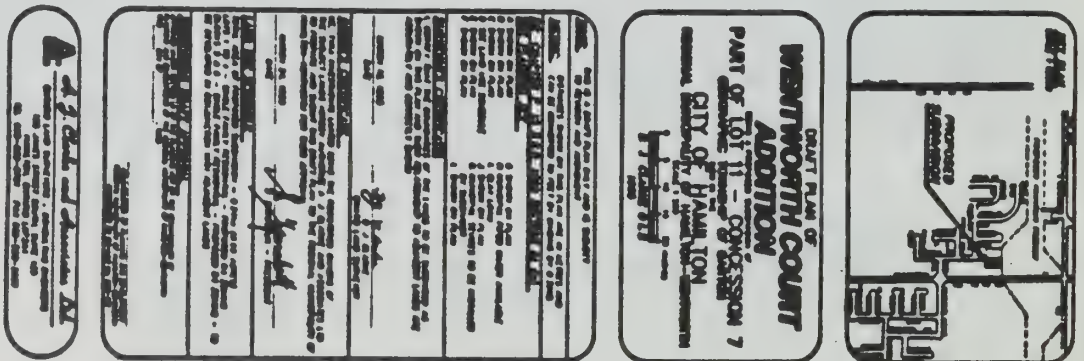
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Site of the Application

SAC - 95 - 07

Appendix "C" referred
to in Section 5(a)(i)
TWENTY-FIRST Report of the
Planning and Development
Committee for 1995



REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTY-SEVENTH** Report for 1995 and respectfully recommends:

1. That Section 1 of the Twenty-Fifth Report for 1995 of the Finance and Administration Committee respecting the provision of a grant to the International Liszt Festival, which was tabled until the first City Council meeting in 1996 January, by City Council at its meeting held Tuesday, 1995 October 31st, which reads as follows be reconsidered and approved:
 - (a) That the City of Hamilton provide a grant in the amount of \$12,000. to the International Liszt Festival for the hosting of this event to be held in Hamilton from 1996 October 24 to October 27; and,
 - (b) That funds be provided from the 1996 Special Civic Receptions and Delegate Hostings Account No. CH 54314 84010.
2.
 - (a) That the City resolve Ontario Court (General Division) Action # 7100/94 by the payment to the Plaintiffs, Helen and Paul Kenter of the sum of \$3069.49, inclusive of all claims for damages, interest and costs; and,
 - (b) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Action # 7100/94 be dismissed without costs.
3.
 - (a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the City Solicitor and the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with the owners of the following properties to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28:
 - (i) 1605 King East
 - (ii) 37 Kenilworth North
 - (iii) 131 George

- (b) That the Mayor and City Clerk be authorized to execute the aforesaid by-law and extension agreements.
- 4.
- (a) That as referred to in Section 11 of the Eighteenth Report for 1995 of the Parks and Recreation Committee, approved by City Council at its meeting held 1995 October 31st, the total additional project cost of \$601,177.15 plus G.S.T. in the amount of \$643,300. for the Inch Park/Parkdale Arena renovation be approved by the issuance of debenture for a term not to exceed 20 years; and,
 - (b) That the gross cost and debenture authorization for Inch Park Arena, Account Centre No. CF709441024 be increased by \$321,650. to \$2,321,650. and \$2,208,150. respectively; and,
 - (c) That the gross cost and debenture authorization for Parkdale Arena, Account Centre No. CF709441023 be increased by \$321,650. to \$2,321,650. and \$2,208,150. respectively; and,
 - (d) That the gross cost and debenture authorization of the Major Maintenance to Civic Buildings, Account Centre No. CF319541001, be reduced by \$117,300. (including G.S.T.) to \$946,700. and \$883,700.; and,
 - (e) That the City Solicitor be authorized to revise the By-Law No. 95-034 and 95-098 to reflect the above changes; and,
 - (f) That the Regional Municipality of Hamilton-Wentworth be requested to consent to the revisions of the debenture authorization noted above for a term not to exceed 20 years; and,
 - (g) That the City Treasurer be authorized to revise the 1995-2004 Capital Budget to reflect the increased debt requirement for the above project, as follows:
 - (i) The average debenture charges expressed as a percentage of levy be revised from 11.74% to 11.78% for the ten year period; and,
 - (ii) The average compound rate of increase per year in debenture charges be revised from 2.18% to 2.23%; and,
 - (iii) The debt requirement for 1995 be revised from \$14,905,000. to \$15,431,000., an increase of 3.5%.

5. (a) That the City of Hamilton exercise its Option to renew the lease of the parking lot owned by Theatre Aquarius Inc. beside the du Maurier Ltd. Centre, being part of 190 King William Street, Hamilton for the continued use as a Hamilton Parking Authority lot under the same terms and conditions as the initial lease, including but not limited to:
 - (i) The rent payable by the City to Theatre Aquarius Inc. during the Lease renewal shall be:
 - (1) Fifty percent (50%) of net revenue realized by the Hamilton Parking Authority during the preceding calendar year (or part thereof, as the case may be), provided the minimum rent payable shall be not less than \$10,000. per year. Such rent shall be paid to Theatre Aquarius Inc. within sixty (60) days of the end of each calendar year;

"Net revenue" is the gross revenue received from the operation of the parking lot after deducting related Parking Authority operating expenses including taxes, utilities, labour, repairs and insurance; and,
 - (2) Issuance - at 50% of cost, monthly day passes requested by Theatre Aquarius Inc.; - at no cost, monthly day passes to Theatre Aquarius Inc. staff and 24 hour passes to the Executive Director and to the Production Director; and,
 - (b) That Theatre Aquarius Inc. pay hydro power charges. The Parking Authority shall maintain and operate the parking lot, including payment of business and realty taxes; and,
 - (c) That the lease be renewed for the period from 1994 December 1 to 1997 September 30.
6. That the property at 771 Queenston Road be declared surplus to the requirements of the City in accordance with the Realty Sales Procedural By-law 95-049.
7. That approval be given to the University of Toronto Press Inc. to use the Council Chamber on Wednesday, 1995 November 29 at 5:00 p.m. for the launching of "Saturday's Child", the Memoirs of Canada's First Female Cabinet Minister, the Honourable Ellen Louks Fairclough.
8. That approval be given to the request of the Ontario Social Justice Coalition to use the City Hall Forecourt and related equipment on Tuesday, 1995 November 21 from 4:00 p.m. to 6:00 p.m. for a Rally with regard to the Provincial cut backs.

9.
 - (a) That Council approval be given for the acceptance by the City of the donation of a painting (untitled) by Diane Haber from the collection of Mr. and Mrs. Allen Gould of Hamilton; and,
 - (b) That the painting be hung on a long-term basis in the corridor area of the Studio Theatre at Hamilton Place, as the donor has requested; and,
 - (c) That the Treasurer issue a receipt for Income Tax purposes to Mr. Gould equivalent to the value of the donation.
10.
 - (a) That the City of Hamilton place a one page greeting from the Mayor in the NHL Oldtimers Benefit Hockey Game - 1995 October 26 - Souvenir Program at a cost not to exceed \$650.; and,
 - (b) That funds for this expenditure be provided from Account No. CH 56302-12001 (Advertising and Promotion).
11.
 - (a) That the following two positions be transferred from the Property Department to the Culture and Recreation Department effective Monday, 1995 November 20:
 - (i) 1 Senior Project Manager
 - (ii) 1 Administrative Assistant
 - (b) That the following three positions be transferred from the Property Department to the Building Department effective Monday, 1995 November 20:
 - (i) 1 Manager
 - (ii) 1 Senior Project Manager
 - (iii) 1 Architectural Support Technician
 - (c) That all 5 of these positions being relocated have their present responsibilities merged with the additional responsibilities in their new portfolios and that new job descriptions be created and evaluated by 1996 January 31; and,
 - (d) That the responsibility for design and implementation of Barrier Free Improvements to Culture and Recreation Facilities be the responsibility of the staff resident in the Culture and Recreation Department; and,
 - (e) That the responsibility for the design and implementation of Barrier Free Improvements to the balance of the Corporation buildings be the responsibility of the staff resident in the Building Department; and,
 - (f) That the capital funding for Architectural Division fees (project management) in the capital projects already in progress be left in place until 1995 December 31; and,

- (g) That the City's Capital Budget Sub-Committee review these Capital Projects to determine how much capital funding can be returned to its original source of funding; and,
 - (h) That Architectural Division fees continue to be capitalized and charged to Capital Projects up to and including 1995 December 31, following which date, project management fees will be funded entirely through the operating budget; and,
 - (i) That the gross cost estimates for Capital Projects being resubmitted into the 1996-2005 Capital Budget Program, be adjusted to exclude estimated funding of \$2,758,710. for Architectural Division fees (project management); and,
 - (j) That the Treasurer be directed to establish the annualized base for the 2 staff being transferred to the Culture and Recreation Department and for the 3 staff being transferred to the Building Department, effective 1996 January 1.
12. (a) That staff be authorized to participate with Scarborough and Mississauga in a joint request for proposals to evaluate the availability of packaged property tax systems on the open market or otherwise issue a request for proposals for a packaged property tax system; and,
- (b) That staff report back to the Finance and Administration Committee regarding the findings of the request for proposals, and recommendations concerning the future direction for property/taxation system development.
13. (a) That an Offer to Purchase Agreement, duly executed by 843829 Ontario Inc., carrying on business as SD & D Construction (Tony Sciara, President) on 1995 October 23 and scheduled to close on or before 1996 April 30, for the lands municipally described as 253-257 Kenilworth Avenue North, being Lots 45, 46 and 47, Block W, Registered Plan No. 395, Hamilton, having a frontage of 22.86 metres (75.0 feet) more or less, along the west side of Kenilworth Avenue North and a depth of 30.48 metres (100 feet) more or less, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and the funds derived from this sale of \$85,000., less commission, be credited to Account No. CH 4X501 00102 (Reserve for Property Purchases); and,
- (b) That the required deposit cheque in the amount of \$4,250. be held by the City Treasurer pending Council approval; and,
- (c) That upon successful completion of this sale, a real estate commission of 5% on the \$85,000. sale price be paid to HomeLife/State Realty Limited (Sales Representative Joseph Gamero), who acted in this matter; and,

- (d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,
- (e) That in accordance with Real Property Sales Procedural By-law No. 95-049:
 - (i) Satisfactory notice has been given to the public of the intended sale; and,
 - (ii) An appraisal of the fair market value of the real property intended to be sold was obtained on 1995 September 29 and received on 1995 November 7; and,
 - (iii) The City Clerk be authorized and directed to execute (and issue) a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act.

14. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) D-73 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears.
- (b) D-74 A By-law to Amend By-law No. 94-135 and By-law No. 95-18 respecting 1994 Debenture Projects.
- (c) D-75 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1995 November 7**

1995 November 14

REPORT OF THE CITY OF HAMILTON LICENSING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The City of Hamilton Licensing Committee presents its **FOURTH** Report for 1995 and respectfully recommends:

1. That the Cab Driver Licence Renewal application of Ian M. McInnes, #3-47 Wentworth Street South, Hamilton, be denied.

Confidential background information provided to members of City Council under separate cover.

RESPECTFULLY SUBMITTED

**ALDERMAN D. WILSON
CHAIRPERSON
LICENSING COMMITTEE**

Stella Glover
Secretary

1995 November 08

**NOTICES OF MOTION
FROM PREVIOUS MEETING**

NOTICE OF MOTION FOR NEXT MEETING
(November 14, 1995)

Alderman Ross gave notice that he would move at the next regular meeting of City Council the following motion:

"That Hamilton be considered for a designated site for a provincially operated casino."

* * * * *

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1995 NOVEMBER 14
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

BY-LAW NO. 95 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 10 (Stops at Intersections)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

Young	Eastbound and Westbound	Catharine
Holly	Northbound and Southbound	McAnulty
Jackson	Eastbound and Westbound	Hughson
Locheed	Northbound and Southbound	Racalmuto
Corsica	Southbound	Bonaparte
Bourbon	Eastbound	Brigade".

2. **Schedule 31 (School Bus Loading Zones)** is hereby amended by deleting therefrom the following items, namely:-

Thomer	South	120 feet	Commencing at a point 84 feet west of Deerbom	7:00 a.m. - 6:00 p.m. Monday to Saturday
Rifle Range	East	36 feet	Commencing at a point 333 feet south of Whitney to a point 36 feet southerly therefrom	7:00 a.m. - 6:00 p.m. Monday to Saturday".

and by adding thereto the following items, namely:-

Thomer	South	120 feet	Commencing at a point 85 feet east of the east curb line of Bishopsgate	7:00 a.m. - 6:00 p.m. Monday to Saturday
High	East	52 feet	Commencing at a point 65 feet north of Sherwood Rise	11:00 a.m. - 2:00 p.m. Monday to Friday
Rifle Range	East	110 feet	Commencing at a point 296 feet south of Whitney	7:00 a.m. - 6:00 p.m. Monday to Saturday".

3. **Schedule 35 (Wheelchair Loading Zones)** is hereby amended by adding thereto the following item, namely:-

Rifle Range	East	30 feet	Commencing at a point 266 feet south of Whitney	7:00 a.m. - 6:00 p.m. Monday to Saturday".
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4. **Schedule 29 (No Stopping Areas)** is hereby amended by adding thereto the following item, namely:-

"Robins	East	38 feet	Commencing at Newlands and extending southerly therefrom	Anytime".
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PASSED this day of A.D. 1995.

CITY CLERK

MAYOR

BY-LAW NO. 95 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 25 (Parking Time Limits)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"West 2nd	West	Fennell to Brantdale	1 hr	8:00 am - 5:00 pm	Mon - Fri
Broadway	Both	Whitney to Willowcrest	2 hr	9:00 am - 5:00 pm	Mon - Fri
Bold	North	Queen to Hess	1 hr	8:00 am - 6:00 pm	Mon - Fri
Tuckett	North	Locke to Pearl	3 hr	8:00 am - 8:00 am (24 hrs)	Mon - Sun
Herkimer	South	Commencing at a point 98 feet west of Park extending 215 feet westerly	3 hr	8:00 am - 6:00 pm	Mon - Sat.

2. **Schedule 26 (No Parking Areas)** is hereby amended by adding thereto the following items, namely:-

"Sanatorium	North	Commencing at Garth and extending to a point 106 feet easterly therefrom	Anytime
Lawnview	East	Lawnhurst to Limeridge	Anytime
Uplands	West	Commencing at Norwood and extending a point 87 feet northerly therefrom	Anytime
Norwood	South	commencing at a point 149 feet west from Bond and extending to a point 72 feet westerly therefrom	Anytime
Robins	East	Barton to Newlands	Anytime
Herkimer	South	commencing 183 feet west of Park and extending to a point 62 feet westerly therefrom	Anytime".

3. **Schedule 27 (Alternate Side Parking)** is hereby amended by deleting therefrom the following item, namely:-

"Robins	East	West".
Roxborough Avenue to Barton Street East		

and by adding thereto the following item, namely:-

"Robins	East	West".
Roxborough Avenue to Newlands Avenue		

4. **Schedule 34 (Sticker Permit Parking)** is hereby amended by deleting therefrom the following items, namely:-

"Bristol	North	commencing at a point 26 feet east of Sanford to a point 29 feet easterly therefrom	Anytime
Monterey	South	from a point 60 feet east of Park Row to Province	Anytime".

Schedule 34 (Cont'd)

and by adding thereto the following items, namely:-

*Robins	West	Barton to the south property line of no. 121 Robins	Anytime
Monterey	South	commencing at a point 88 feet east of Park Row to Province	Anytime
Third	East	commencing at a point 96 feet north of Beach Boulevard and extending to a point 22 feet northerly therefrom	Anytime
Paling	East	commencing at a point 726 feet south of Barton and extending to a point 21 feet southerly therefrom	Anytime
Paling	West	commencing at a point 725 feet south of Barton and extending to a point 25 feet southerly therefrom	Anytime
Hunter	North	Poulette to Locke	Anytime".

5. **Schedule 37 (Snow Routes)** is hereby amended by deleting therefrom the following items, namely:-

*Aberdeen	Both	Queen	James
Angela	Both	West 31st	Upper Paradise
Argo	Both	San Remo	San Antonio
Beach	Both	Ottawa	Burlington
Benson	Both	Grenfell	Beach
Berko	Both	Upper Sherman	Folkestone
Blake	Both	Maplewood	Main
Brant	Both	Birch	Niagara
Catharine	Both	Charlton	Barton
Christie	Both	Kennedy	Malton
Division	Both	Harrison	Barton
Dock Service Rd.	Both	Ferguson	Guise
Eaglewood	Both	Eva	Eleanor
East 42nd	Both	Mohawk	Pemberton
Eleanor	Both	Stone Church	Eaglewood
Elora	Both	Upper Horning	Easterly End
Eva	Both	Rymal	Eaglewood
Ferguson	Both	King	Cannon
Ferguson	Both	Burlington	Dock Service Rd.
Ferrie	Both	Wellington	Victoria
Folkestone	Both	Berko	East Leg of Folkestone
Gailmont	Both	King	Orphir
Glover	Both	Rymal	South City Limits
Guise	Both	Dock Service Rd.	James
Haddon	Both	Main	King
Harmony	Both	Barton	Harrison
Harrison	Both	Harmony	Division
Kennedy	Both	Upper James	Christie
Macassa	Both	Upper Sherman	Upper Gage
Malton	Both	Christie	Upper James
Margaret	Both	End	End
Mary	Both	King	Barton
Orphir	Both	Pottruff	Rainbow
Parkdale	Both	King	Lawrence
Pottruff	Both	King	Orphir
Queensbury	Both	Queen Victoria	Upper Ottawa
Queen Victoria	Both	Redbury	Queensbury
Rainbow	Both	Orphir	Nash

Schedule 37 (Snow Routes) (Cont'd)

Redbury	Both	Upper Ottawa	Queen Victoria
Sherman	Both	Main	Cumberland
Upper Homing	Both	Mohawk	Upper Paradise
Upper Kenilworth	Both	Limeridge	South End
Warrington	Both	Lake	Westerly End
Wendover	Both	End	End
West 31st	Both	Scenic	Angela".

and by adding thereto the following items, namely:-

"Aberdeen	Both	Queen	Hess
Beach	Both	Ottawa	Grenfell
Sherman	Both	Main	Delaware".

6. **Schedule 23 (Hamilton Street Railway Bus Stops)** is hereby amended by adding to the **INBOUND COLUMN** the following item, namely:-

"Woodward, west side, 25 feet north of Melvin (N/S)"

and by deleting therefrom the following items, namely:-

"Osborne at Melvin
Talbot at Melvin
Melvin at Woodward".

7. **Schedule 23 (Hamilton Street Railway Bus Stops)** is hereby amended by adding to the **OUTBOUND COLUMN** the following item, namely:-

"MacNab (West Leg), east side, 18.6 meters south of King (N/S) (Recovery Point)".

and by deleting therefrom the following items, namely:-

"Osborne at Melvin (FS)
Talbot at Melvin
Melvin at Eastwood".

PASSED this

day of

A.D. 1995.

CITY CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 95-

**TO INCORPORATE CITY LAND
DESIGNATED AS BLOCKS 78 AND 80, PLAN 62M-780
INTO UPPER GAGE AVENUE**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate a portion of the highway known as Upper Gage Avenue within its limits, the land described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Upper Gage Avenue.

All of Blocks 78 and 80, Plan 62M-780.

City of Hamilton
Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open the said lands as a public highway.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D. 1995

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAWNO. 95-

TO INCORPORATE CITY LAND
DESIGNATED AS PART 2, PLAN 62R-13544
INTO UPPER HORNING ROAD

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate a portion of the highway known as Upper Horning Road within its limits, the land described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Upper Horning Road.

Part Lot 55, Concession 3, in the geographic township of Ancaster, designated as Part 2, on Plan 62R-13544.

City of Hamilton
Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open the said lands as a public highway.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this

day of

A.D. 1995

City Clerk

Mayor

The Corporation of the City of Hamilton

By-law No. 95-

To Amend By-law No. 94-137

TO CLOSE A PORTION OF MEAD AVENUE FOR A TEMPORARY PERIOD

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of the Municipal Act, Revised Statutes of Ontario, 1990, Chapter M.45, to establish and layout, widen, alter, diver, stop-up, lease, closed or sell any highway or part of a highway;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 6 of the 9th Report of the Transport and Environment Committee on June 28, 1994, authorized that steps be taken in accordance with the Municipal Act to advertise Notice of the City's intention to close for a one year period a portion of Mead Avenue as described therein for the purpose of erecting thereon a vehicular barrier to prohibit vehicular through traffic during the one year period;

AND WHEREAS By-law No. 94-137 was enacted on August 30, 1994 to authorize the said temporary closing of a six foot wide portion of Mead Avenue to vehicular through traffic for one year from September 15, 1994, being the date of registration of the said by-law;

AND WHEREAS it is now intended to extend the trial period of the said temporary highway closure.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section one of By-law No. 94-137 is hereby amended by deleting therefrom the phrase "one year" and substituting the phrase "fourteen months".
2. As provided for in By-law No. 94-137 the said closure as extended by this amending by-law, is limited to the surface of the said portion of Mead Avenue and does not include nor affect the below grade soil and freehold of the said portion of the highway, which shall remain an open highway for use by utilities located below grade.

PASSED this day of

A.D. 1995.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend

By-law No. 94-095

Respecting

1994 DEBENTURE PROJECT AND AMOUNT

WHEREAS By-law No. 94-095 was enacted on May 31, 1994 and includes the Crown Point East/McAnulty Neighbourhoods Project;

AND WHEREAS the Provincial grant has been cancelled and, therefore, the gross cost for this project has been reduced;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Section 7 of the 15th Report of the Planning and Development Committee on June 27, 1995 authorized this By-law;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Paragraph 19 of Schedule "A" to By-law No. 94-095 is repealed and amended as follows:

<u>Project</u>	<u>Gross Cost</u>	<u>Federal & Provincial Subsidies</u>	<u>Debenture Amount</u>	<u>Term of Debenture</u>
4) Crown Point East/McAnulty - Phase I	\$400,000	\$0	\$400,000	20 years

PASSED this day of , 1995.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593
As Amended by Zoning By-law No. 94-133

Respecting:

**LAND LOCATED AT THE NORTH-WEST CORNER OF GARTH STREET
AND RYMAL ROAD WEST**

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 94-133 on the 26th day of July 1994 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593 for the "G-4" District, in respect of the above-captioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS the Ontario Municipal Board by its Decision and Order (Files No. R940340; O940218; S950028), dated the 28th day of September 1995, directed that By-law No. 94-133 be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982 and with the Official Plan as amended by Official Plan Amendment No. 124, proposed by the Council of The Corporation of the City of Hamilton as By-law No. 94-127, but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (a) Section 2 of By-law No. 94-133 is amended by deleting paragraph (d) and substituting the following therefor:

"(d) a minimum 3.0 m planting strip shall be provided and maintained along the entire southerly and easterly lot lines of Block 3 except for the area used for access driveways; and"

(b) Section 2 of the said by-law is amended by adding the following paragraph thereto:

"(e) a minimum 8.0 m planting strip shall be provided and maintained along the entire southerly lot line of Block 2 except for the area used for access driveways."

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "G-4" District provisions, subject to the special requirements referred to in section 2 of By-law No. 94-133 and section 1 of this by-law.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1330a.

4. Sheet No. W-27D of the District Maps is amended by marking the lands referred to in section 1.(b) of By-law No. 94-133, S-1330a.

5. In all other respects, By-law No. 94-133 is hereby confirmed, unchanged.

PASSED this day of A.D. 1995

CITY CLERK

MAYOR

(1994) 10 R.P.D.C. 5B, June 28
Ontario Municipal Board Decision
and Order, dated September 28, 1995
Mr. Jerry Amatangelo (In Trust), Owner
ZAC-93-39

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.95-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.

(b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

(a) that the Extension Agreement does not reduce the amount of the Cancellation Price.

(b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.

(c) that any person may pay the Cancellation Price at any time.

(d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.

(e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.

3. As also provided in the Municipal Tax Sales Act,

(a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.

(b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this

day of 1995 A.D.

CITY CLERK

MAYOR

SCHEDULE "A"
EXTENSION AGREEMENTS

A)	PROPERTY ADDRESS	1605 KING STREET EAST
	SERIAL NUMBER	04 03040 1840
	BRIEF LEGAL DESCRIPTION	PLAN 546 LOT 90
	DATE OF REGISTRATION	OCTOBER 17, 1995
	INST # OF TAX ARREARS CERTIFICATE	VM219527
	REDEMPTION DATE	OCTOBER 17, 1996
	TOTAL ARREARS	\$9,995.66
B)	PROPERTY ADDRESS	131 GEORGE STREET
	SERIAL NUMBER	01 01020 0670
	BRIEF LEGAL DESCRIPTION	PLAN 1435 BLOCK 2 RANGE 1
		PART LOTS 3,4 & 6
	DATE OF REGISTRATION	SEPTEMBER 28, 1995
	INST # OF TAX ARREARS CERTIFICATE	VM218247
	REDEMPTION DATE	SEPTEMBER 28, 1996
	TOTAL ARREARS	\$19,915.02
C)	PROPERTY ADDRESS	37 KENILWORTH NORTH
	SERIAL NUMBER	04 03130 8310
	BRIEF LEGAL DESCRIPTION	PLAN 522 LOT 25
	DATE OF REGISTRATION	AUGUST 29, 1995
	INST # OF TAX ARREARS CERTIFICATE	VM216192
	REDEMPTION DATE	AUGUST 29, 1996
	TOTAL ARREARS	\$26,943.69

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend

By-law No. 94-135 and By-law No. 95-18

Respecting

1994 DEBENTURE PROJECTS

WHEREAS By-law No. 94-135 was enacted on July 26, 1994 and includes the Roadway and Sidewalk Reconstruction - Various Locations Project;

AND WHEREAS By-law No. 95-18 was enacted on December 13, 1994 and includes the Additional Sidewalk Reconstruction Project;

AND WHEREAS the approved amounts of the Roadway and Sidewalk Reconstruction - Various Locations and the Additional Sidewalk Reconstruction Projects have been changed;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Section 7 of the 25th Report of the Finance and Administration Committee on October 31, 1995 authorized this By-law;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. The fourth line of Schedule "A" of By-law No. 94-135 is repealed and amended as follows:

<u>Project</u>	<u>Gross Cost</u>	<u>Federal & Provincial Subsidies</u>	<u>Debenture Amount</u>	<u>Term of Debenture</u>
4) Roadway & Sidewalk Reconstruction - Various Locations	\$3,609,700	\$2,406,466	\$1,203,234	20 years

2. The totals section of Schedule "A" to By-law No. 94-135 is replaced by the following:

TOTALS	\$9,638,755	\$6,425,836	\$3,212,919	
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3. The second line of Schedule "A" of By-law No. 95-18 is repealed and replaced by the following:

<u>Project</u>	<u>Gross Cost</u>	<u>Federal & Provincial Subsidies</u>	<u>Debenture Amount</u>	<u>Term of Debenture</u>
2) Additional Sidewalk Reconstruction	\$682,217	\$454,811	\$227,406	20 years

4. The totals section of Schedule "A" to By-law No. 95-18 is replaced by the following:

TOTALS	\$6,746,717	\$4,497,811	\$2,248,906	
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PASSED this

day of

, 1995.

CITY CLERK

MAYOR

(1995) 25 R.F.A.C. 7, October 31

BY-LAW NO. 95 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 14TH DAY OF NOVEMBER A.D., 1995.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 14th day of November A.D. 1995

CITY CLERK

MAYOR



**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON** **URBAN MUNICIPAL**

**Tuesday, 1995 November 28
7:30 o'clock p.m.
Council Chambers, City Hall**

NOV 28 1995

GOVERNMENT DOCUMENTS

**J. J. Schatz
City Clerk**

A G E N D A

- 1. National Anthem.**
- 2. Opening Prayer:** **The Rev. Father Bohdan Hladio
St. Vladimir Ukrainian Orthodox Church**
- 3. Presentations:**
 - (a) SESQUICENTENNIAL UPDATE** **Milton Lewis, Co-Chair
Vincenza Travale, Co-Chair
Carmen Rizzotto, Executive Director
Blaine the Artist
Bob Stirling of Stirling Print-All
& Creative Services
Sesqui the Mascot**
 - (b) 1995 HAMILTON ARTS AWARD Russ Weil**
- 4. Adoption of the minutes of the meeting held 1995 November 14.**
- 5. Correspondence\Petitions**
- 6. Reports of the Standing Committees:**
 - (a) Transport and Environment Committee**
 - (b) Parks and Recreation Committee**
 - (c) Planning and Development Committee**
 - (d) Finance and Administration Committee**
 - (e) Nominating Committee**

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Council Agenda
1995 November 28

- 7. *Notice of Motion from last meeting. - Alderman C. Collins***
- 8. *Notices of Motion for next meeting.***
- 9. *Question Period.***
- 10. *Adjournment.***

MINUTES

Minutes of Hamilton City Council
Tuesday, 1995 November 14
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Wilson, Copps,
Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross.

Mayor R. M. Morrow called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Reverend Csaba Baksa, The John Calvin Hungarian Presbyterian Church led Council in prayer.

PRESENTATIONS

Mayor Morrow presented a Certificate of Recognition to the following:

- (a) Reverend Csaba Baksa, The John Calvin Hungarian Presbyterian Church
- (b) Mr. Larry Kelly, Sr., Kelly Auto Body Limited
Mr. Seamus Kelly and Mr. Larry Kelly, Jr., Sales and Marketing

ADOPTION OF MINUTES

The minutes of the meetings held:

- (a) 1995 October 31 (regular meeting)
- (b) 1995 November 2 (special meeting) were adopted as circulated.

CORRESPONDENCE

1. Letter dated 1995 November 6 from 603815 Ontario Incorporated, A. Hemstreet, 75 Lancing Drive, Unit H, Hamilton, for a further modification to the established "C" (Urban Protected Residential, etc.) District regulations for lands at No. 1492 Upper James Street, Hamilton, Ontario.

Received.

2. Letter dated 1995 November 14 from Mr. J. Martin, President Local 1005, U.S.W.A. respecting policing arrangements for Premier Harris's proposed visit to the City of Hamilton on 1995 November 21.

Received.

3. Letter dated 1995 November 9 from Robert W. Morroce respecting the zoning application for the property at 412 Aberdeen Avenue which is referred to in Section 1 of the Twenty-First Report of the Planning and Development Committee.

Received.

4. Petition Re: Oppose the Zoning Application No. 95-26 by Whatmough Management Inc. for 412 Aberdeen Avenue.

Received.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Planning and Development Committee, the Finance and Administration Committee, and the City of Hamilton Licensing Committee, be considered in Committee of the Whole with Alderman Ross in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. 17.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - THIRTEENTH REPORT

Section 35 Re: Hamilton Parking Authority - Courtesy Envelope Program

It was moved by Alderman Merling and seconded by Alderman Agro that Section 35 of the Thirteenth Report of the Transport and Environment Committee for 1995 be referred back.

CARRIED.

* * * * *

Section 36 Re: MOEE - Hotz Certificate of Approval - 239 Lottridge Street

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Copps. -1

CARRIED.

* * * * *

Rule No. 9 Re: Catharine Street North - Permit Parking Regulation

It was moved by Alderman Merling and seconded by Alderman Agro that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to allow the introduction of a resolution respecting a permit parking regulation on Catharine Street North, north of Burlington Street East.

CARRIED.

* * * * *

Section 42 Re: Catharine Street North - Permit Parking Regulation

It was moved by Alderman Merling and seconded by Alderman Agro that the Thirteenth Report of the Transport and Environment Committee be amended by adding the following resolution respecting permit parking on Catharine Street North as Section 42.

42. (a) That the permit parking regulation on the east side of Catharine Street North, north of Burlington Street East be shortened such that the regulation commences at a point 264 feet north of Burlington Street East and extends to Brock Street; and,

- (b) That the maximum number of permits to be issued to residents of this street be reduced from 28 to 22; and,
- (c) That the City Traffic By-law No. 89-72 be amended accordingly. **CARRIED.**

* * * * *

Section 43 Re: Adoption of Bill A-69: A By-law to Amend By-law No. 89-72 to Regulate Traffic.

It was moved by Alderman Merling and seconded by Alderman Agro that the Thirteenth Report of the Transport and Environment Committee for 1995 be amended by adding Section 43 as follows:

43. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

A-69 A By-law to Amend By-law No. 89-72 to Regulate Traffic. **CARRIED.**

<p>PLANNING AND DEVELOPMENT COMMITTEE - TWENTY-FIRST</p>

Section 1 Re: Amended Zoning Application - Whatmough Management Inc. - 412 Aberdeen Avenue

Recorded vote.

YEAS: Aldermen McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, Ross. -11

NAYS: Aldermen Kiss, Caplan, Agro, Copps, D'Amico. -5. **CARRIED.**

FINANCE & ADMINISTRATION COMMITTEE - TWENTY-EIGHTH REPORT

**Section 1 of the Twenty-Fifth Report of Finance and Administration Committee
Re: Liszt Festival**

It was moved by Alderman Charters and seconded by Alderman Eisenberger that Section 1 of the Twenty-Fifth Report for 1995 of the Finance and Administration Committee be lifted from the table. **CARRIED.**

* * * * *

Section 1 Re: Liszt Festival

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss Caplan, Agro, McCulloch, Morelli, Eisenberger, Collins, Charters, Jackson, D'Amico, Ross. -12.

NAYS: Aldermen Copps, Merling, Anderson -3.

CARRIED.

CITY OF HAMILTON LICENSING COMMITTEE - FOURTH REPORT

RESOLUTIONS

(Constituent Assembly)

Rule 9 Re: Constituent Assembly

That Rule 9 of the City of Hamilton Procedural By-Law be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the City of Hamilton position on Local Government Restructuring to be forwarded to the Constituent Assembly. **CARRIED.**

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, McCulloch, Drury, Copps, Wilson, Eisenberger, Collins, D'Amico, Ross. -10.

NAYS: Aldermen Kiss, Morelli, Charters, Jackson, Merling, Anderson. -6.

CARRIED.

* * * * *

Re: Constituent Assembly

It was moved by Alderman Ross and seconded by Alderman Wilson:

That the following constitute the City of Hamilton position to be advanced to the Constituent Assembly with respect to Local Government Restructuring in the Hamilton-Wentworth Region:

THAT there be one level of Local Government to govern the affairs of the six Municipalities in the Region of Hamilton-Wentworth.

THAT there be only one level of bureaucracy, one level of taxation and one elected body for this one level of government

THAT this resolution be sent as the City's position to the Constituent Assembly and all other area municipalities by the City Clerk. **CARRIED.**

* * * * *

Re: Constituent Assembly

It was moved by Alderman Eisenberger and seconded by Alderman Wilson that the motion respecting the City of Hamilton position on local government restructuring be amended by adding the following as a third paragraph:

"THAT provided further that this one level of government and one level of bureaucracy model provides a more cost efficient and effective level of government service." **CARRIED.**

* * * * *

Re: Constituent Assembly

It was moved by Alderman Charters and seconded by Alderman Jackson that the motion respecting the City of Hamilton position on local government restructuring be amended by adding the following paragraph:

"THAT this shall be based on representation by population."

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.
NAYS: Alderman Copps. -1. **CARRIED.**

* * * * *

Re: Constituent Assembly, as amended.

That the following constitute the City of Hamilton position to be advanced to the Constituent Assembly with respect to Local Government Restructuring in the Hamilton-Wentworth Region:

THAT there be one level of Local Government to govern the affairs of the six Municipalities in the Region of Hamilton-Wentworth.

THAT there be only one level of bureaucracy, one level of taxation and one elected body for this one level of government

THAT provided further that this one level of government and one level of bureaucracy model provides a more cost efficient and effective level of government service.

THAT this shall be based on representation by population.

THAT this resolution be sent as the City's position to the Constituent Assembly and all other area municipalities by the City Clerk.

Recorded vote on resolution as amended.

YEAS: Mayor Morrow, Aldermen Caplan, Agro, McCulloch, Drury, Wilson, Eisenberger, Collins, D'Amico, Ross. -10.
NAYS: Aldermen Kiss, Morelli, Copps, Charters, Jackson, Merling, Anderson. -7. **CARRIED.**

NOTICE OF MOTION FROM PREVIOUS MEETING
(October 31, 1995)

It was moved by Alderman Ross and seconded by Alderman Drury that Hamilton be considered for a designated site for a provincially operated casino.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Agro, McCulloch, Drury, Morelli, Jackson, D'Amico, Ross. -9.

NAYS: Aldermen Kiss, Copps, Wilson, Collins, Charters, Anderson. -6.

CARRIED.

NOTICE OF MOTION FOR NEXT MEETING
(November 28, 1995)

Alderman Collins gave notice that he would move at the next regular meeting of City Council the following motion:

- WHEREAS** Section 45 of the Ontario Municipal Act provides for the filling of a vacancy on a municipal council by the appointment of a qualified person by the municipal council, and
- WHEREAS** Section 46 of the Ontario Municipal Act permits a municipal council to fill a vacancy on a municipal council by the holding of a by-election provided the vacancy occurs prior to March 31 of an election year, and
- WHEREAS** By-Elections cost on average \$50,000 per ward which could be better allocated to other municipal purposes for the benefit of all taxpayers, and
- WHEREAS** Participation in by-elections by the electorate is very low in comparison to general municipal elections indicating limited interest in by-elections, and
- WHEREAS** Public response to the calling of the most recent by-election in the City of Hamilton was very negative, and

WHEREAS

Additional qualified persons may run for municipal office in general municipal elections if a city policy was in place guaranteeing the third place finisher in a ward election appointment to City Council in the event of a vacancy occurring between general elections.

NOW THEREFORE

Be it resolved that the City Council of the City of Hamilton give serious consideration to adopting a policy of appointing the respective third place finisher when a vacancy occurs for the office of Alderman in a ward between general elections.

ADOPTION OF THE REPORTS

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Planning and Development Committee, the Finance and Administration Committee, the City of Hamilton Licensing Committee, and resolutions be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. 17.

NAYS: -0.

CARRIED.

City Council then adjourned at 9:55 o'clock p.m.

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1995 November 14
JJS/dg

CORRESPONDENCE

Correspondence:

1. Letter dated 1995 October 14 from Bay Area Restoration Council, Mark Sproule-Jones, President re: Hamilton Waterfront Park.

Recommendation:

Be referred to the Parks and Recreation Committee.

2. Letter dated 1995 November 20 from Peter Georgakopoulos, 1050 Rymal Road East, Hamilton, Ontario for a further modification to the "M-12 (Prestige Industrial) District regulations for lands located at No. 1050 Rymal Road East, Hamilton, Ontario

Recommendation:

Be Received.



BAY AREA RESTORATION COUNCIL

OF HAMILTON-WENTWORTH AND HALTON REGIONS INC.

Room 329, Life Sciences Building, McMaster University, Hamilton, Ontario L8S 4K1
Telephone (905) 525-9140 Ext. 27405 Fax (905) 522-6066

Mayor Morrow
Hamilton City Council
71 Main Street West
Hamilton, Ontario
L8N 3T4

NOV 08 1995

October 30, 1995

Dear Mayor and Council:

On Thursday, September 25, 1995, at the Leander Boat Club, Bay Area Restoration Council (BARC) held a regular membership meeting to discuss access issues surrounding Hamilton's Waterfront. The Hamilton Harbour Remedial Action Plan goal to increase public access to the harbour was referenced.

At this meeting, the membership passed a motion regarding the accessibility of Hamilton's Waterfront Parks as follows:

Moved by L. Howarth

Seconded by G. Laws

"EXCEPT FOR MAINTENANCE PURPOSES, THAT THE HAMILTON HARBOUR WATERFRONT PARKS, THEIR WALKWAYS AND THEIR ENTRANCES ALWAYS BE ACCESSIBLE FOR USE BY THE PUBLIC AND FREE OF CHARGE TO THE WALK-IN PUBLIC. A PORTION OF THE HARBOURFRONT PARK (UP TO ONE THIRD FOR EXAMPLE) MAY BE RESERVED FOR SPECIAL EVENTS FOR WHICH SUITABLE FEES MIGHT BE CHARGED.

Carried

BARC asks that this motion be taken under advisement when the City considers the uses of the two parks.

Should you require any further information or clarification, please do not hesitate to call the office at the address above.

Yours truly,

Mark Sproule-Jones
President

cc: Alderman Fred Eisenberger, Parks and Recreation Committee Chair
Mr. R. Chrystian, Manager of Parks

BARC Monitors the Remedial Action Plan for the Hamilton Harbour Watershed

Charitable Registration No. 0951145-52

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **FOURTEENTH** Report for 1995 and respectfully recommends:

1. (a) That the City receive the Regional Transportation Review (May 1995) for information; and,
- (b) That the City indicate to the Region that it is not prepared to endorse the Regional Transportation Review at this time, and that prior to the City taking a position the Region is requested to provide a more detailed assessment of the major financial and other impacts on the City; and,
- (c) That an Advisory Committee on Transportation Issues be formed under the Chairmanship of the Chief Administrative Officer to report to the appropriate Standing Committees:
 - (i) with representation from the Planning Department, the Public Works and Traffic Department, the Hamilton Parking Authority and other departments as required; and,
 - (ii) with a mandate to review, co-ordinate and report on issues relating to transportation, including input to the review of the City of Hamilton Official Plan; and,
- (d) That the Advisory Committee be directed to mitigate conflicts between the Regional Transportation Review (as based in Vision 2020 and the Regional Official Plan) and other objectives of City and Regional Council such as the following:
 - (i) the proposal to divert traffic away from the downtown core which conflicts with business development in the downtown; and,
 - (ii) the proposals to widen sidewalks for pedestrians and to provide exclusive transit lanes which may require the removal of parking meters with the attendant affects on businesses and on City revenues; and,

- (iii) the proposal to provide exclusive transit lanes which could create traffic congestion and divert traffic to neighbourhood streets, negatively affecting the neighbourhoods and potentially requiring traffic calming; and,
 - (iv) the proposed revised McMaster University entrance which will revise traffic flows through the local neighbourhoods; and,
 - (e) That the City support the direction of the Regional Transportation Review toward a more equitable sharing of Hamilton Street Railway costs within the Region, and that pending implementation of a revised cost-sharing arrangement, provision be made for input from the City on transit service level options on a basis consistent with the process available to the other area municipalities.
2. That the existing "No Parking, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the east side of Fullerton Avenue, which commences at a point 122 feet north of Barton Street East and extends to a point 54 feet northerly therefrom, be replaced with a "Three Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation and that the City Traffic By-law No. 89-72 be amended accordingly.
3. That a "One Hour Parking Time Limit, 8:00 a.m. to 4:00 p.m., Monday to Friday" regulation be implemented on both sides of Leadale Place between Stacey Avenue and the southerly end and that the City Traffic By-law No. 89-72 be amended accordingly.
4. (a) That a "Permit Parking" regulation be implemented on the south side of Mill Street commencing at a point 121 feet west of the east end of Mill Street and extending to a point 15 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
- (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Lyle Crawford, No. 23 Mill Street.
5. (a) That a "Permit Parking" regulation be implemented on the south side of Case Street commencing at a point 165 feet east of Sherman Avenue North and extending to a point 23 feet easterly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

- (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mathew Chechalk, No. 14 Case Street.
- 6.
 - (a) That a "Permit Parking" regulation be implemented on the east side of Grosvenor Avenue North commencing at a point 270 feet south of Barton Street East and extending to a point 24 feet southerly therefrom, and on the west side of Grosvenor Avenue North commencing at a point 283 feet south of Barton Street East and extending to a point 16 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Lottie McLoughlin, No. 292 Grosvenor Avenue North.
- 7. That a "Two Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the south side of Arkell Street between Paisley Avenue South and Bond Street South and that the City Traffic By-law No. 89-72 be amended accordingly.
- 8.
 - (a) That a "Permit Parking" regulation be implemented on the east side of MacNab Street North commencing at a point 70 feet north of Ferrie Street West and extending to a point 20 feet northerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Ms. Evelyn Clarke, No. 380 MacNab Street North.
- 9. That a "No Parking" regulation be implemented on the north side of Margate Avenue commencing 167 feet east of Princeton Drive and extending to a point 34 feet easterly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
- 10. That southbound traffic on Annapolis Way be required to stop for eastbound and westbound traffic on Beaverton Drive and that the City Traffic By-law No. 89-72 be amended accordingly.

11. (a) That the existing hours of the School Crossing Guard at the intersection of Stinson Street and Wentworth Street South be extended to include the lunch time school crossing periods for the balance of 1995 and up until the approval of the 1996 Departmental Budget; and,

(b) That consideration be given in the 1996 current budget deliberations for an expansion package of \$2,500. plus administrative costs for the extended hours for the school crossing guard at this location, on a permanent basis.
12. That City Council direct and authorize the Manager of Community Traffic Services to enter into an agreement with the Ministry of Transportation, on behalf of the Corporation, to obtain Vehicle Registration Information for the purpose of towing illegally parked vehicles.
13. (a) That the submitted schedule of works, be adopted for inclusion in the Subdivision Agreement with the Owner for the estimated cost of services in:

"SAN LORENZO HEIGHTS - PHASE 1", Hamilton

City's Share - \$ 53,319. Subdivider's Share - \$ 159,274.; and,

- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed subdivision agreement between the City and the Owner of "San Lorenzo Heights - Phase 1" subdivision; and,
- (c) That approval of the above clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement has been registered; and,
- (d) That in the event the subdivider wishes to proceed prior to the registration of the Final Plans and Subdivision Agreements, they should be allowed to do so at their own risk provided they enter into a standard agreement for pre-servicing; and,
- (e) That the City's share of services in "San Lorenzo Heights - Phase 1", Hamilton (\$ 53,319.) be approved and that the Finance and Administration Committee recommend the source of funding.

14.
 - (a) That the City of Hamilton undertake to replace all traffic signs with high-intensity reflectorization as required by the Ontario Manual of Uniform Traffic Control Devices; and,
 - (b) That funds in the amount of \$60,000. be funded from surpluses achieved through the Roads Capital Programme to permit the immediate commencement of the project; and,
 - (c) That a project to complete the installation be considered for inclusion in the 1996 - 2000 Capital Budget.
15. That the following Bills be adopted, signed, sealed and enrolled as a By-law:
 - (a) A-70 A By-law to Amend By-law No. 89-72 to Regulate Traffic
 - (b) A-71 A By-law to Amend By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

**ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

Kevin C. Christenson, Secretary

1995 November 20

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **TWENTIETH** Report for 1995 and respectfully recommends:

1. That approval as required by Section 26 of By-law No. 90-198, Fireworks By-law and Section 5 of the Parks By-law No. 95-126 be granted to the City of Hamilton to hold a one minute stationary fireworks display at Commonwealth Square on Sunday, 1995 December 31, at midnight, subject to the following terms and conditions:
 - (a) That a licensed fireworks operator be contracted from Hands Fireworks Inc. be responsible for carrying out the fireworks display; and,
 - (b) That Hands Fireworks Inc. have in place \$5 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as co-insured with a cross liability endorsement; and,
 - (c) That Special Duty Police Officers as deemed necessary be at the cost of the event organizers; and,
 - (d) That the application assume the responsibility for all labour related costs as a result of this event including set up and clean up; and,
 - (e) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
2. That Section 1 of the Fifteenth Report of the Parks and Recreation Committee for 1990 respecting guidelines for plaquing City's Heritage Plaquing Programme adopted by Council on 1990 August 28 be amended to include a new third category for non-designated buildings of Architectural and Historical Interest.
3.
 - (a) That a two-sided plaque commemorating the historical significance of Gore Park and the Gore Park Fountain be initiated and later installed in Gore Park; and,
 - (b) That the appropriate plaque wording be forwarded to Parks and Recreation Committee at a future date; and,

- (c) That funding for the plaque be charged to Account No. CH55976 71505 (Plaquing).
- 4.
 - (a) That approval be granted to enter into a contract with Coca Cola Limited, being the most competitive bid received in response to a request for proposal closing 1995 October 19, for a period of three years commencing 1995 December 1, and terminating 1998 November 30, with the option for a further two one year periods, for the supply and delivery of soft drinks, C² gas, post mix, Isotonic, specialty drinks, bottled water, and related equipment, at an annual estimated cost of \$40,000.;and,
 - (b) That the City Solicitor be authorized and directed to prepare the necessary documents.
- 5.
 - (a) That approval be granted to renew the contract between Eric Cormier and the City of Hamilton, having previously expired 1995 May 1, for a term to commence 1996 January 1, and to terminate 1996 December 31, at a salary not to exceed \$26,000. annually, based upon a thirty-five hour work week, and to include two weeks paid vacation; and,
 - (b) That the period from 1995 May 1 up and until 1995 December 31 be paid retroactive to this new rate; and,
 - (c) That the City Solicitor be authorized to draft the necessary document.
- 6.
 - (a) That the Tariff of Charges for City-owned cemeteries, as outlined in Appendix "A" attached hereto, be approved upon receipt of approval from the Ministry of Consumer and Commercial Relations, Cemeteries Branch and implemented on 1996 January 1; and,
 - (b) That the City Solicitor be authorized and directed to prepare a By-law to amend the Cemetery By-law No. 95-048 so as to provide for the increase in the Tariff of Charges; and,
 - (c) That the Manager of Cemeteries be authorized and directed to make application to the Ministry of Consumer and Commercial Relations, Cemeteries Branch for approval of these rates.

7. That Hamilton City Council formally request the Province of Ontario, through the Ministry of Consumer and Commercial Relations, that Section 38 (1) of the Regulation made under the Cemeteries Act be revised so that municipal cemeteries do not have to provide information to monument dealers or other persons who are strangers to the interred deceased which conflicts with the intent of the Municipal Freedom of Information and Protection of Privacy Act.
8.
 - (a) That Sheridan College, Faculty of the Arts, Interior Design Department, be authorized to stage its Showcase House '96 production at Glen Manor, The Veever's Home; and,
 - (b) That for the rooms included in the Showcase House '96 project all work conform with the interior design package to be submitted for consideration of Committee in 1996 January; and,
 - (c) That where necessary, students participating in the Showcase House '96 project enter into a contract with the City satisfactory to the Director of Property and the City Solicitor; and,
 - (d) That interior improvements beyond the capability of the Showcase House '96 project be funded from Account Nos. CH48432 62003 and CH46012 62003 and subject to authorization of the Commissioner of Public Works and Traffic or his designate; and,
 - (e) That a cash prize in the amount of \$500. be awarded to Sheridan College Interior Design for distribution to selected students participating in the preparation of design packages and funded from Account No. CH48432 62003.
9.
 - (a) That approval be given to enter into a contract with Harm Schilthuis and Sons Ltd., Ancaster, in the amount of \$214,300. plus \$30,000. contingency plus \$17,101. GST, for the construction and placement of five bridges being the lowest of six tenders received in accordance with specifications C15-28-95 issued by the Purchasing Division and vendors tender; and,
 - (b) That the amount of \$261,401. for the bridge construction be funded as follows: \$165,636. from Account No. CF5255 639553028 - Red Hill Valley Trails, \$32,240. from Account No. CH56398 62910 - Work Done for Others [invoiced to the Region (50%) and the Waterfront Regeneration Trust (50%)], and \$61,525. from Account No. CF5255 629543011 Inter-Regional Trails Program - Waterfront Trust (50%), and Account No. CF5255 628743001 Bike Paths - Phase 2 (50%); and,

- (c) That a contract satisfactory to the City Solicitor be entered into between the City and Harm Schilthuis and Sons Ltd. of Ancaster.
-
- 10. (a) That the construction contract and purchase order with Clifford Restoration Limited for the Phase II Restoration of Dundurn Castle be increased by \$95,000. (plus G.S.T.) to an amount of \$1,851,075. (plus G.S.T.) to include contingency costs; and,
 - (b) That \$75,000. (plus G.S.T.) of the \$95,000. increase be charged to Capital Budget Allocation available in Account No. CF719441022; and,
 - (c) That the \$20,000. (plus G.S.T.) of the \$95,000. be transferred from Property Department Account No. CH57301 31150 to Account No. CF719441022 to offset non-restoration required for Castle improvements by Clifford Restoration Limited.
-
- 11. That the Commissioner of Public Works and Traffic be directed to incorporate "Urban Braille" into all new concrete pathways/sidewalks within City parks.

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN F. EISENBERGER, CHAIRPERSON
PARKS AND RECREATION COMMITTEE

1995 November 21

SCHEDULE OF USER FEES AND OTHER REVENUES

PUBLIC WORKS - CEMETERIES DIVISION

	1995			1996			% Increase Over 1995						
	Resident & Realty Taxpayers			Non-Residents									
	Cost	G.S.T.	Total	Cost	G.S.T.	Total							
	Cost	G.S.T.	Total	Cost	G.S.T.	Total							
	Cost	G.S.T.	Total	Cost	G.S.T.	Total							
BURIALS AND REMOVALS													
<i>Opening and Closing</i>													
- 6 ft. Adult	471.00	32.97	503.97	565.00	39.55	604.55	495.00	34.65	529.65	594.00	41.56	635.56	5%
- 8 ft. Adult	634.00	44.36	678.36	734.00	51.38	785.38	696.00	46.62	742.62	771.00	53.97	824.97	5%
- 6 ft. Child	76.00	5.32	81.32	92.00	6.44	98.44	76.00	5.32	81.32	92.00	6.44	98.44	0%
- case up to 24"	153.00	10.71	163.71	184.00	12.86	196.86	161.00	11.27	172.27	193.00	13.51	206.51	5%
- case 25" to 42"	224.00	15.66	239.66	269.00	18.83	287.83	235.00	16.45	251.45	282.00	19.74	301.74	5%
- case 43" to 60"	291.00	20.37	311.37	349.00	24.43	373.43	306.00	21.42	327.42	366.00	25.62	391.62	5%
- case 61" to 72"	260.00	18.20	278.20	312.00	21.84	333.84	273.00	19.11	292.11	328.00	22.96	350.96	5%
- case up to 80"	311.00	21.77	332.77	373.00	26.11	399.11	327.00	22.89	349.89	392.00	27.44	419.44	5%
- case 61" to 72"	153.00	10.71	163.71	184.00	12.86	196.86	161.00	11.27	172.27	193.00	13.51	206.51	5%
- Cremation	56.00	3.92	59.92	67.00	4.69	71.69	59.00	4.13	63.13	70.00	4.90	74.90	5%
- Cremorial	100.00	7.00	107.00	120.00	8.40	128.40	110.00	7.70	117.70	126.00	8.82	134.82	10%
- Columbarium	388.00	27.16	415.16	485.00	32.55	497.55	407.00	28.49	435.49	468.00	34.16	522.16	5%
- Mansion of Memories (Stoney Creek)													
<i>Lowering (Includes Opening, Removal, Lowering, Closing)</i>													
- Adult - 6 ft. to 8 ft. - shell	1,820.00	127.40	1,947.40				1,911.00	133.77	2,044.77				5%
- Adult - 6 ft. to 8 ft. - concrete vault/crypt	1,515.00	106.05	1,621.05				1,591.00	111.37	1,702.37				5%
- Child - 6 ft. to 8 ft. - 5 to 10 years	646.00	45.22	691.22				678.00	47.46	725.46				5%
- Child - 6 ft. to 8 ft. - under 5 years	542.00	37.94	579.94				569.00	39.83	608.83				5%
<i>Removals</i>													
- Adult - Shell	1,658.00	115.92	1,771.92				1,739.00	121.73	1,860.73				5%
- Adult - Concrete vault or crypt	1,352.00	94.64	1,446.64				1,420.00	99.40	1,519.40				5%
- Child - Shell	572.00	40.04	612.04				601.00	42.07	643.07				5%
- Child - Concrete vault or crypt	468.00	32.76	500.76				491.00	34.37	525.37				5%
- Cremation	153.00	10.71	163.71				161.00	11.27	172.27				5%

Appendix "A" as re
Section 6 of the TW
Report of the Parks
Recreation Commit

Appendix "A" as referred to in
Section 6 of the TWENTIETH
Report of the Parks and
Recreation Committee for 1995

SCHEDULE OF USER FEES AND OTHER REVENUES

PUBLIC WORKS - CEMETERIES DIVISION

1995

1995

	Resident & Realty Taxpayers			Non-Residents			Resident & Realty Taxpayers			Non-Residents			% Increase Over 1995
	Cost	G.S.T.	Total	Cost	G.S.T.	Total	Cost	G.S.T.	Total	Cost	G.S.T.	Total	
FOUNDATIONS AND MARKERS													
- Foundation - pouring per square inch of surface area (8 feet deep)	0.98	0.07	1.03	1.17	0.06	1.25	1.01	0.07	1.08	1.23	0.09	1.31	5%
FOUNDATIONS AND MARKERS													
- 12" X 10" & Child's 16" X 14"	75.00	5.25	80.25	90.00	6.30	96.30	79.00	5.53	84.53	95.00	6.65	101.65	5%
- all other Flat Markers	114.00	7.96	121.96	137.00	9.59	146.59	120.00	8.40	128.40	144.00	10.06	154.06	5%
- Bronze Vase	114.00	7.96	121.96	137.00	9.59	146.59	120.00	8.40	128.40	144.00	10.06	154.06	5%
- D.V.A. Upright	96.00	6.72	102.72	96.00	6.72	102.72	101.00	7.07	108.07	101.00	7.07	108.07	5%
- D.V.A. Flat	96.00	6.72	102.72	96.00	6.72	102.72	101.00	7.07	108.07	101.00	7.07	108.07	5%
SALE OF LOTS AND GRAVES INCLUDING PERPETUAL CARE													
- Adult Single Grave	464.00	32.48	496.48	573.00	40.11	613.11	467.00	34.09	521.09	602.00	42.14	644.14	5%
- Preferred Single Grave	776.00	54.32	830.32	996.00	67.13	1,026.13	815.00	57.05	872.05	1,007.00	70.49	1,077.49	5%
- Child - single in a row - case up to 24"	51.00	3.57	54.57	61.00	4.27	65.27	54.00	3.78	57.78	64.00	4.48	68.48	6%
- Child Single Grave - case 24" to 60"	111.00	7.77	118.77	145.00	10.15	155.15	117.00	8.19	125.19	152.00	10.64	162.64	5%
- case 61" to 72"	164.00	11.48	175.48	197.00	13.79	210.79	172.00	12.04	184.04	207.00	14.49	221.49	5%
- Urn Garden	258.00	18.06	276.06	314.00	21.96	335.96	284.00	19.88	303.88	330.00	23.10	353.10	10%
- Veteran's Grave	441.00	30.87	471.87				463.00	32.41	495.41				5%
- Two-Grave Lot	1,780.00	124.60	1,904.60	2,220.00	153.40	2,373.40	1,958.00	137.06	2,095.06	2,331.00	163.17	2,494.17	10%
- Two-Grave Lot - Eastlawn	1,452.00	101.64	1,553.64	1,815.00	127.05	1,942.05	1,525.00	106.75	1,631.75	1,906.00	133.42	2,039.42	5%
- Three-Grave Lot - Woodland	2,658.00	186.06	2,844.06	3,325.00	232.75	3,557.75	2,791.00	195.37	2,986.37	3,491.00	244.37	3,735.37	5%
- Four-Grave Lot - Woodland Section 15	6,437.00	450.59	6,887.59	8,042.00	562.94	8,604.94	6,759.00	473.13	7,232.13	8,444.00	591.08	9,035.08	5%
- Eastlawn / Woodland	3,494.00	243.88	3,737.88	4,431.00	310.17	4,741.17	3,858.00	266.06	4,124.06	4,653.00	325.71	4,978.71	5%
- Four-Grave Lot - Thrifty	3,274.00	226.18	3,500.18	4,156.00	290.85	4,446.85	3,438.00	240.66	3,678.66	4,363.00	305.41	4,668.41	5%
- Memorial of Memories - Mausoleum crypt	1,240.00	86.80	1,326.80	1,363.00	95.41	1,458.41	1,302.00	91.14	1,393.14	1,431.00	100.17	1,531.17	5%
- Cremorial	816.00	57.12	873.12	979.00	68.53	1,047.53	857.00	59.99	916.99	1,028.00	71.96	1,099.96	5%
- Columbarium	969.00	67.83	1,036.83	1,163.00	81.41	1,244.41	1,017.00	71.19	1,088.19	1,221.00	85.47	1,306.47	5%
- Monument Columbarium							832.00	56.24	888.24	996.00	69.66	1,065.66	N/A
- 40% of Grave and Lot sales goes into Care & Maintenance													
- 20% of Mausoleum Crypt sales goes into Care & Maintenance													
- 15% of Columbarium and Cremorial sales goes into Care & Maintenance													

SCHEDULE OF USER FEES AND OTHER REVENUES

PUBLIC WORKS - CEMETERIES DIVISION

	1995						1996						% Increase Over 1995
	Resident & Realty Taxpayers			Non-Residents			Resident & Realty Taxpayers			Non-Residents			
	Cost	G.S.T.	Total	Cost	G.S.T.	Total	Cost	G.S.T.	Total	Cost	G.S.T.	Total	
ADDITIONAL SERVICES													
- Youth	308.00	21.56	329.56				308.00	21.56	329.56				0%
- Social Services	300.00	21.00	321.00				300.00	21.00	321.00				0%
- Intermediate	330.00	23.10	353.10				330.00	23.10	353.10				0%
- Oversize	350.00	24.50	374.50				350.00	24.50	374.50				0%
Miscellaneous:													
- Tent in Cemetery	141.00	9.87	150.87				148.00	10.36	158.36				5%
- Rental of tent outside cemetery	192.00	13.44	205.44				202.00	14.14	216.14				5%
- Transfer fee \$40 + G.S.T.	41.00	2.87	43.87				43.00	3.01	46.01				5%
- Bronze Memorial Plaque for Columbarium Niche	287.00	20.09	307.09				301.00	21.07	322.07				5%
- Companion Vase on Columbarium Niche	56.00	3.92	59.92				59.00	4.13	63.13				5%
- Bronze Memorial Plaque for Cremorial	128.00	8.96	136.96				134.00	9.38	143.38				5%
- Supply, install and maintain flower bed to maximum three graves - per grave	102.00	7.14	109.14				107.00	7.49	114.49				5%
- Memorial Tree Planting, 12X10 stone, 60X Bronze Plaque 3 Lines	357.00	24.99	381.99				378.00	26.25	401.25				5%
- Memorial Bench - 8X3 Bronze plaque - 3 lines	510.00	35.70	545.70				536.00	37.52	573.52				5%
- Flower Pot Hanger	15.00	1.05	16.05				16.00	1.12	17.12				5%
- Family Tree Research - \$2.00 per name													
Note: Special Lettering which carries an extra charge will be added to plaque charge													
NOTE : PERSONAL COLUMBARIUM AND MAUSOLEUM ARE AVAILABLE ON INDIVIDUAL BASIS													
CARE AND MAINTENANCE FUND													
- markers and upright monuments:	N/C						N/C						0%
- any flat marker under 173 sq. in.	50.00	3.50	53.50				50.00	3.50	53.50				0%
- any flat marker over 173 sq. in.	100.00	7.00	107.00				100.00	7.00	107.00				0%
- any upright monument <= 4 ft. in length/height	200.00	14.00	214.00				200.00	14.00	214.00				0%
- any upright monument over > 4 ft. in length/height													
Provincial Regulation - these funds are set and trusted													

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **TWENTY-SECOND** Report for 1995 and respectfully recommends:

1. (a) That amended Zoning Application ZAC-94-22, Shermal Developments Inc., owner, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District (Block "1"), "C" (Urban Protected Residential, etc.) District (Blocks "2", "3" and "4"), and "R-4" (Small Lot Single - Family Dwelling) District, (Block "5"), as shown on the attached map marked as Appendix "A", be approved on the following basis:
 - (i) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District;
 - (ii) That Blocks "2", "3" and "4" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - (iii) That Block "5" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single - Family Dwelling) District;
 - (iv) That the Director of Planning be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27E for presentation to City Council; and,
 - (v) The application complies with the City of Hamilton Official Plan;
- (b) That the Chappel East Neighbourhood Plan be amended to change the internal road pattern and the realignment of Upper Sherman Avenue between Rymal Road East and the City limits upon finalization of the implementing By-law; and,
- (c) That the implementing by-law not be passed until Council has approved Subdivision Application 94-03 (Regional File No. 25T-94005(R)).
2. That Zoning Application ZAC-95-24, Ginfil Construction, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street Townhouse) District, to permit development for eight street townhouse dwellings, for lands located on the north side of Rymal Road West, east of Upper Paradise Road, as

shown on the attached map marked as Appendix "B", be **DENIED** on the following basis:

- (a) It conflicts with the intent of the Official Plan and the Approved Falkirk East Neighbourhood Plan, which designate the subject lands "SINGLE AND DOUBLE RESIDENTIAL";
 - (b) It is not consistent with planning practise of the City to locate multiple-family development at nodes created by the intersection of arterial and collector roads;
 - (c) The proposed townhouse development would be out of character with established and future intended development in the adjacent area; and,
 - (d) Approval of this application may encourage other similar applications, which if approved, would undermine the intent of the Neighbourhood Plan.
3. (a) That approval be given to Subdivision Application 95-10 (Regional File No. 25T-95019), Homes by DeSantis Inc. and Marz Homes Holdings Inc., joint owners, to establish a draft plan of subdivision "Kentley Lane", on lands located west of Nash Road North and south of Kentley Drive in the Kentley Neighbourhood, as shown on the attached map marked as Appendix "C" subject to the following conditions:
- (i) That this approval apply to the plan, as revised in red, prepared by Planning Initiatives Ltd. and certified by S.J. Balaban, O.L.S. of J.D. Barnes Ltd., dated August 14, 1995, showing 40 lots for single detached dwellings and one street identified as Street "A", attached hereto as Appendix "D".
 - (ii) That the Owner establish Street "A" to its full 20.0m width and that these lands be conveyed to the City of Hamilton prior to registration of the final plan of subdivision.
 - (iii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (iv) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

- (1) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;
- (2) That the Owner provide an inspection report prepared by a qualified professional engineer of all erosion and sediment control measures after each rainfall to the satisfaction of the Senior Director, Roads Department;
- (3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
- (4) That all disturbed areas be revegetated with permanent cover immediately following completion of construction.
- (v) That the centreline of the proposed street south of Crawford Drive must align centreline to centreline with the existing road allowance of Crawford Drive.
- (vii) That the Owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands.
- (viii) That Street "A" be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
- (ix) That the owner prepare and submit, to the satisfaction of the Director of Planning, a municipal street numbering plan.
- (x) That the final plan conform with the Zoning By-law approved under the Planning Act.
- (xi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan.
- (xii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
- (xiii) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.

- (xiv) That the owner provide written confirmation from the Hamilton Region Conservation Authority, the Senior Director, Roads Department and the City of Hamilton Traffic Division that the draft plan of subdivision is to the satisfaction of the aforementioned agencies.
 - (xiv) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.
 - (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-95010), Homes by DeSantis Inc. and Marz Homes Holdings Inc., joint owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
 - (c) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.
 - (d) That the approved Kentley Neighbourhood Plan be amended to change the designation of the subject lands and the abutting lands to the west from "Civic & Institutional" to "Single and Double" Residential upon registration of the Final Plan of Subdivision.
4. That Application CD-95-010, under the Rental Housing Protection Act, 350 Concession Limited, owners, for conversion of 27 rental apartment units to condominium units for the property located at 350 Concession Street, be **DENIED** for the following reasons:
- (a) Approval of the application would have an adverse impact on the supply of affordable rental apartment units in the Hamilton Mountain Zone; and,
 - (b) There is a lack of alternative vacant units within the Hamilton Mountain Zone to which existing tenants could relocate.
5. That the Province be requested to enact special legislation, similar in form to Appendix "E" attached, to permit the City to make loans or grants to tenants located within a Community Improvement Area for the purpose of rehabilitating the premises leased by the tenants, in conformity with the Community Improvement Plan.

6.
 - (a) That the Barton General B.I.A. boundaries be expanded to include 486 Barton Street East; and,
 - (b) That the City Clerk's Department be authorized and directed to circularize the existing and proposed expansion area with the notice of intent to amend the designating by-law in accordance with Section 220 of the Municipal Act; and,
 - (c) That the Law Department be authorized and directed to prepare the necessary amending by-law.
7. That the revised Agency Agreement with Canada Mortgage and Housing Corporation (CMHC) for the delivery of the Residential Rehabilitation Assistance Program (R.R.A.P.) in Hamilton, attached hereto as Appendix "F", be approved and the Mayor and City Clerk be directed to execute the agreement on behalf of the Corporation of the City of Hamilton.
8. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, nine hundred and twenty-six dollars (\$1,926.) be approved for Helen Connor, 228 Crockett Street, Hamilton. The interest rate will be 8 per cent amortized over 5 years.
9. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand and forty-nine dollars (\$1,049.) be approved for Mr. and Mrs. K. Nunes, 74 Burlington Street East, Hamilton. The interest rate will be 8 per cent amortized over 5 years.
10.
 - (a) That the budget as outlined in Appendix "G" be approved for a Christmas Event to be held 1995 December 9; and,
 - (b) That the City Treasurer be authorized and directed to forward \$800. (\$1000.- 20% holdback) for the Christmas Event to the Barton Street B.I.A.. The outstanding balance of \$200. to be forwarded upon submission of a statement of account.
11. That the Building Commissioner be authorized to issue demolition permits, in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended, as follows:

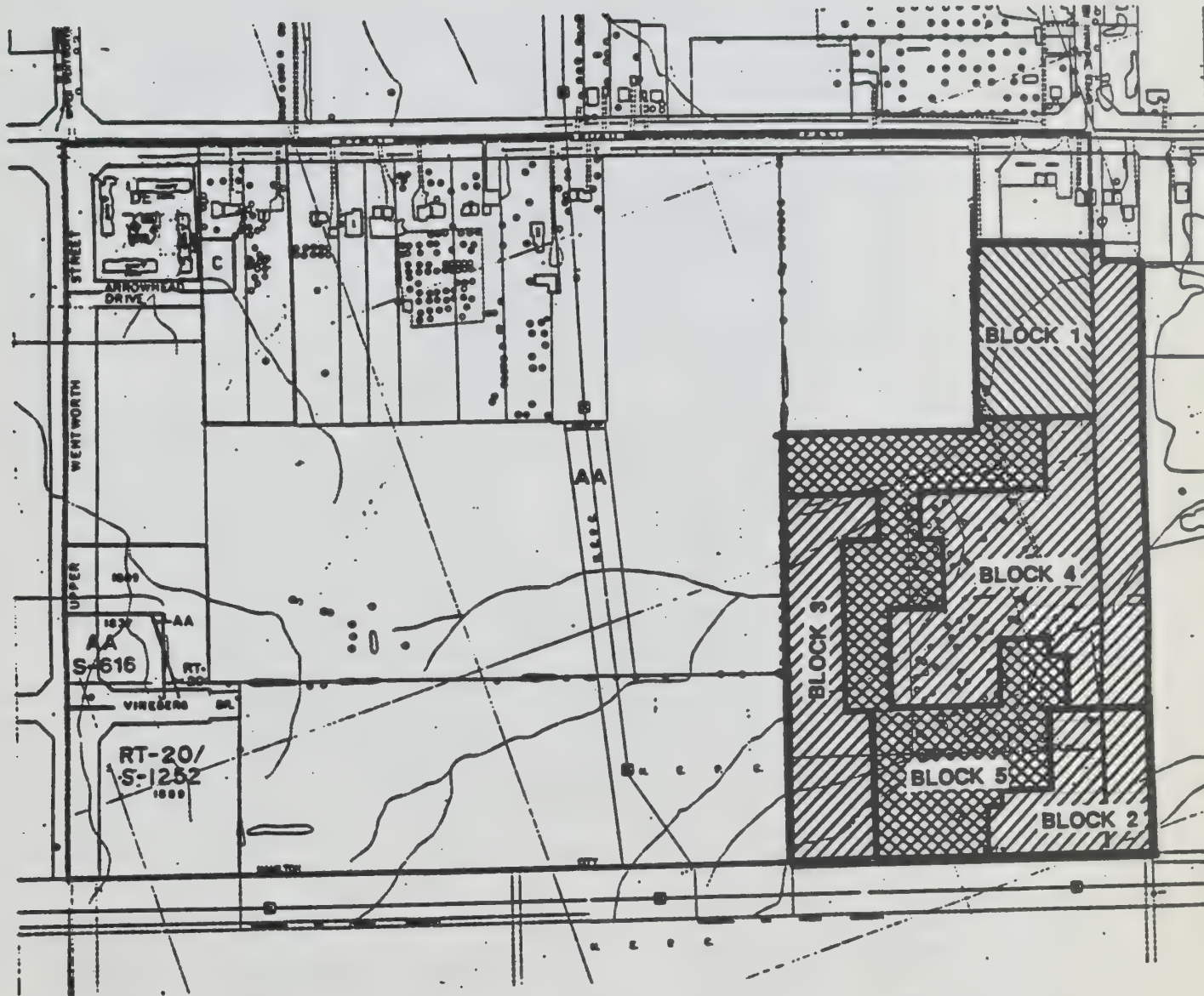
1334 Upper Sherman Avenue
1340 -1342 Upper Sherman Avenue
1348 Upper Sherman Avenue
255 Rymal Road West (Building #5)

12. That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearing regarding an appeal to the Committee of Adjustment decision to deny Application No. A-95-206, respecting a variance to the "Monster Homes" By-laws, for property located at No. 77 Ward Avenue.
13. That the Planning and Development Committee supports the negotiated settlement respecting the pending Ontario Municipal Board Hearing on By-law No. 93-143 for 29 Severn Street (ZA-91-59), on the following basis:
 - (a) That the maximum number of units be increased from 5 to 6; and,
 - (b) That the minimum front yard depth be 2.5m for the third storey of the building, and 5.0m for any portion of the building over three (3) storeys in height, excluding encroachments (ie dormers).

Respectfully submitted,




**ALDERMAN D. DRURY, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE**

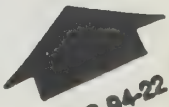
**Tina Agnello
Secretary
1995 November 22**



Legend

Proposed change in zoning from "AA" (Agricultural) District to :

BLOCK 1		"RT-20" (Townhouse - Maisonette) District.
BLOCKS 2,3 and 4		"C" (Urban Protected Residential, etc.) District
BLOCK 5		"R-4" (Small Lot Single-Family Dwellings) District.

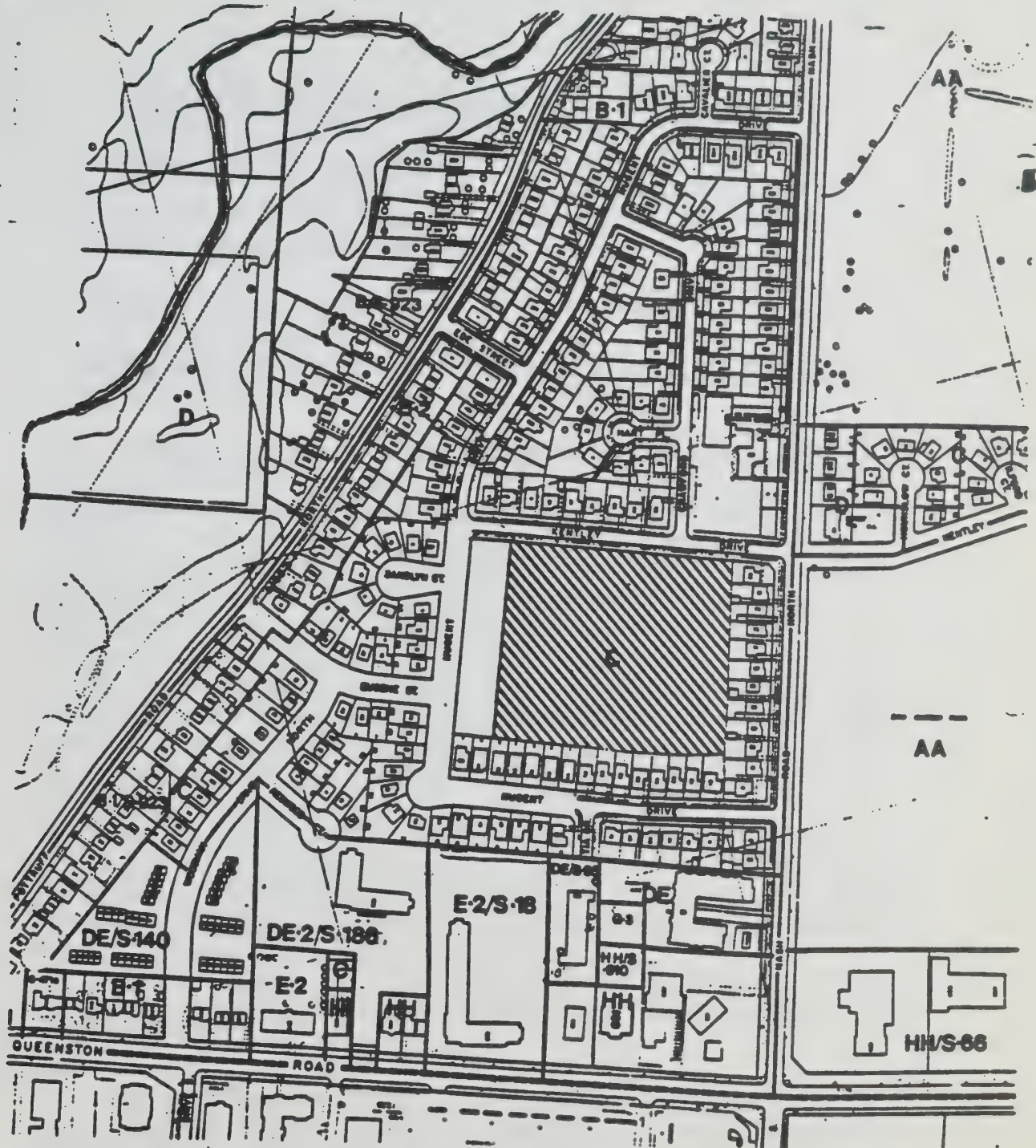

ZAC-94-22

Appendix "B" referred to in Section 2 of the **TWENTY-SECOND** Report of the Planning and Development Committee for 1995.

[illegible]

1995 November 28

Appendix "C" referred
to in Section 3(a)
TWENTY-FIRST Report of the
Planning and Development
Committee for 1995



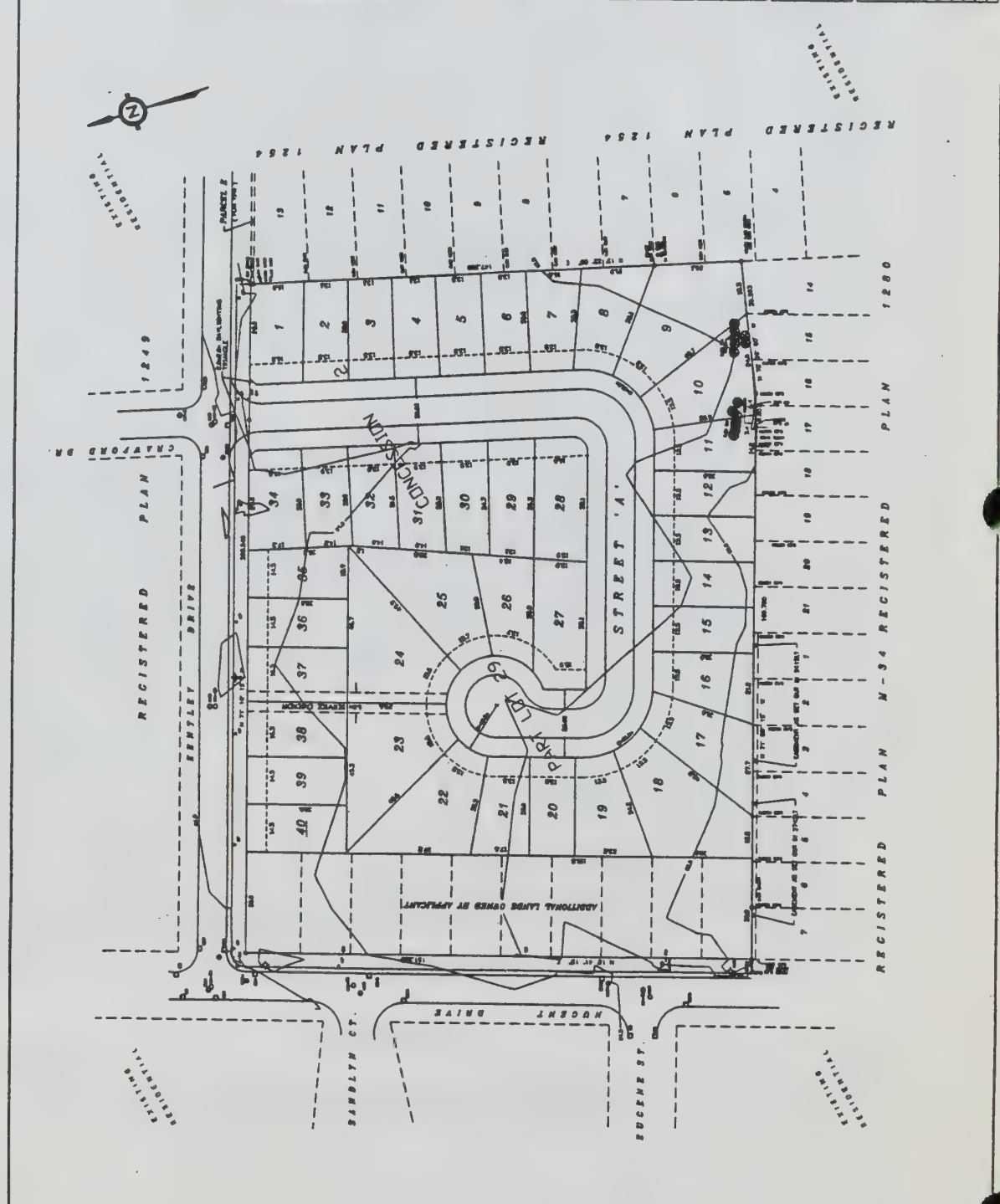
Legend



Site of the Application

SAC-95-10 / 25T-06010

Appendix "D" referred
to in Section 3(a)(i)
TWENTY-SECOND Report of the
Planning and Development
Committee for 1995.

[illegible]

Bill Pr

1995

An Act respecting the City of Hamilton

Preamble

The Corporation of the City of Hamilton has applied for special legislation in respect of the matters set out in this Act.

It is appropriate to grant the application.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. As part of a Community Improvement Plan adopted by by-law by The Corporation of the City of Hamilton pursuant to the provisions of section 28, the Planning Act, the Council of The Corporation of the City of Hamilton may enact by-laws to provide, on such terms and conditions as may be set out in the by-law, loans or grants to tenants, to pay for the whole, or any part, of the cost of rehabilitating the lands and buildings occupied by them in conformity with the Community Improvement Plan.

2. (a) The said by-law of The Corporation of the City of Hamilton may specify the types and form of security the municipality may require from such tenants to secure the performance of the works being funded by the municipality and the repayment of the loan, if any.

(b) Such by-law may require and the municipality is permitted to accept, a mortgage in favour of the municipality on property owned by the tenant or on property owned by the guarantor of the tenant's obligations to the City. Such mortgage security may be on property located within or outside the municipality.

3. By-law(s) enacted by the municipality pursuant to subsections (1) and (2) above are subject to the approval of the Minister of Municipal Affairs and Housing.

4. The prohibition in subsection 111(1) of the Municipal Act does not apply to any by-law(s) enacted by the municipality pursuant to subsections (1) and (2) above, which have been approved by the Minister of Municipal Affairs and Housing.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short Title

6. The short title of this Act is the *City of Hamilton Act, 1995*.

RESIDENTIAL REHABILITATION ASSISTANCE PROGRAM (RRAP) AGENCY AGREEMENT

THIS AGREEMENT made this 1st day of September

19 95 Appendix "F" referred
to in Section 7 of the
TWENTY-SECOND Report of the
Planning and Development
Committee for 1995

BETWEEN;

CANADA MORTGAGE AND HOUSING CORPORATION
(hereinafter called "CMHC")

OF THE FIRST PART

-AND-

The Corporation of the Municipality of Hamilton

(hereinafter called "the Agent")

OF THE SECOND PART

WHEREAS CMHC may, pursuant to Part VI of the National Housing Act (hereinafter referred to as "the Act") make loans for the repair and improvement of family housing units, rental accommodation or housing accommodation of the rooming house, hostel or dormitory type or for the modification of such units to improve their accessibility for persons with disabilities in such circumstances as may be prescribed by regulation of the Governor-in-Council.

AND WHEREAS CMHC has agreed that the Agent will act as a delivery agent for CMHC in the processing of loans for (delete inapplicable references):

- (A) The repair and improvement of family housing units in the manner and to the extent hereinafter set forth (Homeowner RRAP);
- (B) The repair and improvement of rental units in the manner and to the extent hereinafter set forth (Rental RRAP);
- (C) The repair and improvement of rooming house, hostel or dormitory accommodation in the manner and to the extent hereinafter set forth (Rooming House RRAP);
- (D) The repair, improvement or modification of existing family housing units or rooming house, hostel or dormitory accommodation to improve the accessibility of disabled persons in the manner and to the extent hereinafter set forth (RRAP for the Disabled).

AND WHEREAS occupancy and building maintenance standards acceptable to CMHC have been adopted by the province, municipality or authority having jurisdiction, unless excepted therefrom by CMHC.

AND WHEREAS the Agent hereby agrees to deliver the program(s) in accordance with applicable CMHC Program Guidelines which have been provided to the Agent and which are deemed to form part of this agreement.

NOW THEREFORE this Agreement witnesseth that in consideration of the mutual covenants herein contained, the parties hereto undertake and agree as follows:

1. TERMS OF AGREEMENT

This Agreement begins the 1st day of September 1995 .
and will terminate the 31st day of December 1995 .at

which time this Agreement will automatically renew from year to year unless terminated in accordance with the provisions of paragraph three (3) of this Agreement.

This Agreement applies to all program loans approved on or after the effective date of this Agreement.

This Agreement is applicable to properties located in area(s) described in Appendix I of this Agreement.

CMHC may, in its sole discretion, and upon written request of the Agent, waive, amend or extend any time frame or condition contained in this Agreement, Appendix, or Program Guidelines hereto. All such waivers, amendments shall be in writing and acknowledged by both Parties.

2. RESPONSIBILITIES OF AGENT

The Agent agrees to process applications for loans, carry out inspection duties and all responsibilities outlined in this Agreement and Program Guidelines hereto on behalf of and as Agent for CMHC and to exercise reasonable care in the performance of its duties.

The Agent shall provide evidence of completion of work as the Agent and CMHC shall be the sole judge of acceptability of such evidence and the decision of CMHC shall be and remain in all ways final.

The Agent agrees to provide services in both official languages in accordance with the Official Languages Act and its Regulations in bilingual regions designated by the Federal Government as per the Treasury Board Circular No. 1982-6, January 29, 1982 being:

- (i) the province of New Brunswick;
- (ii) parts of the Gaspé, the Eastern Townships, Montreal and parts of Western Quebec;
- (iii) Northern and Eastern Ontario;
- (iv) Metropolitan Toronto; and
- (v) the city of Winnipeg.

The Agent agrees to comply with directions given it from time to time by CMHC with respect to the forms to be used and the policies and procedures to be followed in accordance with sound business practices as carried out by CMHC.

It is expected that the Agent shall provide a high quality of service to all clients and at all times maintain a good rapport with all levels of elected officials.

3. TERMINATION

This Agreement may be terminated by either party by giving three (3) months written notice to the other party, and may be terminated immediately without notice by CMHC in the event of fraud or breach of the Agreement by the Agent.

Upon termination of this Agreement, the Agent shall deliver to CMHC all records, accounts and other documentation relating specifically to program applications by clients maintained by the Agent in relation to the provisions of this Agreement save and except for records required by law to be retained by the Agent. The Agent will upon the written request of CMHC deliver to CMHC true copies of all records which are required by law to be retained by the Agent.

4. TERMS AND CONDITIONS OF LOANS

Loans may be made by CMHC in accordance with the Terms and Conditions specified in the Program Guidelines.

5. AGENCY FEE

The parties mutually agree that, in consideration of the performance by the Agent of the functions and activities set out in Program Guidelines, a fee in an amount and manner outlined in the said Guidelines will be paid by CMHC to the Agent.

6. QUALIFICATIONS AND PERFORMANCE EXPECTATIONS

The Agent shall carry out its responsibilities pursuant to this Agreement in a manner satisfactory to CMHC. Program Guidelines outline the administrative and technical qualifications of the Agent to be used by CMHC in assessing prospective agents. They would equally apply where any of the responsibilities are sub-contracted.

The Agent or staff carrying out the inspections and work write-ups identified in this Agreement or its Program Guidelines shall meet minimum technical qualifications as identified in the said Guidelines. The Agent shall not hire or assign any staff to the inspection function unless such staff meet these qualifications.

The Agent acknowledges that specific performance expectations and authorities as outlined in Program Guidelines, for the functions and activities required under this Agreement, form part of this Agreement.

Changes to the qualifications and performance expectations may be determined from time to time by CMHC.

7. MONITORING

CMHC may conduct monitoring visits at the Agent's Office and conduct on-site visits to properties being assisted under the Program to ensure adherence to the terms and conditions of this Agreement. CMHC shall provide 2 weeks written notice to the agent of its intention to monitor. CMHC will provide written reports of its monitoring visits and the Agent will reply on all the findings of these reports.

8. ASSIGNMENT AND SUB-CONTRACTING

This Agreement may not be assigned or sub-contracted in whole or in part by the Agent without the written consent of CMHC to the assignment being first had and obtained.

9. INDEMNIFICATION

CMHC covenants to indemnify the Agent from all claims for damages arising from this Agreement that are chargeable against the Agent in respect to the application or approval of grants and loans made under or in respect of the Residential Rehabilitation Assistance Program(s), except those arising from fraud or negligence by the Agent or its employees or any other person performing any activity pursuant to this Agreement at the request of the Agent.

The Agent shall indemnify CMHC against all fines, suits, claims, demands and actions if any to which CMHC may become liable by reason of any injury or damage occasional to or suffered by any person or any property because of any wrongful act, neglect or default by the Agent or any of its employees, sub-contractors, or any other person under the control of the Agent.

10. PUBLICITY

The Agent will ensure that any literature or other information and material published by the Agent with respect to this Agreement will be received and approved by CMHC and contain reference to the assistance provided by the Federal and where applicable Provincial Government with respect to this program and, where there is a significant demand, the aforesaid information published by the Agent shall appear in a unilingual format in both the French and English media where available.

11. CONFLICT OF INTEREST

The Agent shall ensure that any real, potential or apparent conflict of interest situations as outlined in CMHC's Conflict of Interest Guidelines, which have been provided to the Agent and which are deemed to form part of this Agreement, are avoided. Notwithstanding, situations that are considered by the agent to be unavoidable shall be disclosed to CMHC, in writing, and CMHC shall have the right to review and accept or reject these situations.

No member of the House of Commons shall be admitted to any share or part of this Agreement or any benefit to arise therefrom.

12. PERSONAL INFORMATION

CMHC being one of the federal institutions to which the Access to Information Act and the Privacy Act apply, it is agreed that any information collected by the Agent in the course of its duties is to be released only in accordance with the provisions of those two Acts and with CMHC's written approval.

13. SECURITY REQUIREMENTS

The Agent shall immediately inform CMHC of any irregularity or potential legal infraction in the delivery or administration of the program, and shall make available for immediate access all information in the possession of the Agent including files, reports, financial statements, vouchers, receipts and all other documentation relating to the delivery or administration of the program. The Agent shall also ensure that its employees or other representatives are available for interaction and dialogue with CMHC and its representatives to facilitate all investigations undertaken in respect of any irregularity or potential legal infraction in the delivery and administration of the program.

14. BOOKS AND RECORDS

The Agent shall maintain accurate books, records and accounts of all disbursements made pursuant to this Agreement, and shall at any time within six years from the final advance make such available to CMHC at a time and location agreed upon by both parties.

1995 November 28

4

CMHC 2311 4/95
Protected when completed

15. MISCELLANEOUS

For the purpose of this agreement the singular shall include the plural and the plural the singular as the context may require.

This Agreement shall enure to the benefit of and be binding upon both parties hereto and their successors and assigns.

IN WITNESS WHEREOF this Agreement has been executed by the Parties hereto on the date first above written.

CANADA MORTGAGE AND HOUSING CORPORATION

PER: _____

Witness

PER: _____

AGENT

TITLE

Witness

TITLE

1995 November 28

5

CMHC 2311 4/95
Protected when completed

APPENDIX "1"

Attached to and forming part of an agreement between Canada Mortgage and Housing Corporation and the
Agent dated the 1st of September, 1995.

Areas which are more particularly described as:

Attached Schedule D4.

November 9, 1995

BARTON GENERAL BIA
Community Christmas Party

Santa Claus/Elves	\$100
Tree - 10'	\$100
Decorations - lights, star	\$150
Refreshments - coffee, hot chocolate, apple cider, donuts, cookies	\$150
Advertising - flyer drop	\$100
Gift Bags - candy canes	\$100
Outdoor Extension Cord(s)	\$50
Door Prize(s) - gift certificates; \$75/\$50/\$25	\$150
Misc.	\$100

Total Expenditure \$1000

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTY-EIGHTH** Report for 1995 and respectfully recommends:

1. (a) That the City resolve Ontario Court (General Division) Action # 7440/94 by the payment to the Plaintiffs, Margaret and George Bootland of the sum of \$5,500. inclusive of all claims for damages, interest and costs; and,

 (b) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,

 (c) That Ontario Court (General Division) Action # 7440/94 be dismissed without costs.
2. (a) That approval be given to the request of the Culture and Recreation Department to use the Council Chamber on Saturday, 1995 December 9 from 1:00 p.m. to 4:00 p.m. for First Night Volunteer Orientation, and on Sunday, 1995 December 31 from 9:00 a.m. to midnight for a story telling room during the First Night Celebrations; and,

 (b) That approval be given to the request of the Sesquicentennial Committee to affix a coloured plastic film of the Sesquicentennial Logo on the east and west windows of the Council Chambers, to be "unveiled" on First Night and remain on display throughout 1996, the Sesquicentennial Year.
3. That approval be given to the Ontario March of Dimes request to change the date when the paper ability tree will be placed on the second floor at City Hall, from the month of 1995 November to 1996 January 10 - February 10.
4. (a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the City Solicitor and the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with the owners of the following properties to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28:

17 Delena N

110 Hess S

- (b) That the by-law to authorize the said Extension Agreements be enacted by Council; and,
 - (c) That the Mayor and City Clerk be authorized to execute the aforesaid by-law and extension agreements.
5. That the City Solicitor be authorized and directed to prepare a By-law to repeal By-law No. 9429 respecting the expropriation of certain lands.
6. That the following H.E.C.F.I. Capital Accounts with \$260,121.47 in excess financing be returned to the H.E.C.F.I. Reserve Account for Capital Projects:

<u>Capital Centre Number</u>	<u>Project Description</u>	<u>Authorized Gross Cost</u>	<u>Expended Committed To Date</u>	<u>Balance Available</u>
CF 928851003	Hamilton Place Replace Sound System	\$202,000.	\$201,926.34	\$ 73.66
CF 929151016	Hamilton Place Sound/Lighting Equipment	\$ 83,000.	\$ 82,920.51	\$ 79.49
CF 929241003	Convention Centre Refurbish Renovate Wentworth Exhibition Hall	\$250,000.	\$249,997.60	\$ 2.40
CF 929441027	Convention Centre Wentworth Exhibition Hall Renovations	\$ 70,000.	\$ 3,155.	\$ 66,845.
CF 929441030	Hamilton Place Refurbish Exterior Sign	\$230,000.	\$164,132.	\$ 65,868.
CF 929541015	Convention Centre Carpet Replacement	\$350,000.	\$222,747.08	\$127,252.92
TOTAL:				\$260,121.47

7. That the listing of Appointments To and Terminations from Permanent Positions with the Corporation of the City of Hamilton to 1995 November 9, attached herewith and marked Appendix "A", be approved.

8. (a) That the Sesquicentennial Logo, attached herewith and marked Appendix "B", be incorporated onto public and internal documents, such as City brochures, letterhead, envelopes, internal memorandums, and wherever possible, in order to profile the City's 150 Birthday Celebrations for 1996; and,

(b) That the Commissioner of Public Works and Traffic be authorized to create signs of the Sesquicentennial Logo, and the Sesqui Mascot, attached herewith and marked Appendix "C", to be affixed to both sides of the Main Street Banner pole for the 1996 Sesqui Year.
9. That the position of Executive Assistant to the Mayor be filled pursuant to the following terms and conditions:
 - (a) A contract be entered into for the length of the Mayor's current term of office; and,
 - (b) That the person be an employee of the City of Hamilton reporting directly to the Mayor; and,
 - (c) That the employee be eligible for benefits including pension and mileage; and,
 - (d) That the employee be ineligible for any special retirement programs run by the City of Hamilton; and,
 - (e) That the position be placed within Salary Schedule "I" at a step in the range to be determined by the Mayor.
10. (a) That the complement of the Treasury Department be amended as follows:

Delete:

Manager of Purchasing
Administrative Assistant II - Purchasing
Assistant Supervisor - Accounts Payable

Add:

Buyer (Salary Grade 18A)
Invoice Checking Clerk (Salary Grade 13K)

 - (b) That the Buyer and Invoice Checking Clerk positions be filled on a temporary or term contract basis, pending the outcome of the Financial Shared Services Study presently underway; and,
 - (c) That the positions of Assistant Manager of Purchasing and Stores Supervisor be retitled Supervisor of Purchasing and Stores Coordinator respectively.

11. That the City Treasurer be authorized to consolidate the Ticket Surcharge - Hamilton Place (CH2X000-00207) and Ticket Surcharge - Copps Coliseum (CH 2X000-00211) Reserve Fund Accounts into the Reserve Fund for Capital Projects - H.E.C.F.I. (CH 2X000-00206), effective 1995 December 31.
12. That the rental rate for the City's lease with 752413 Ontario Limited and Champions Fitness Limited for the space in the north-east quadrant of the retail level of Copps Coliseum (101 York Boulevard) be reduced from \$4. per square foot to \$2. per square foot for a one year period commencing 1995 December 20th and ending 1996 December 19th, on the condition that 752413 Ontario Limited and Champions Fitness Limited make arrangements satisfactory to the City Treasurer to pay the outstanding realty tax arrears for this area.
13. That no action be taken on the request of Cameron & Johnstone Ltd., owners of the Delta Bingo Hall, to permit licensed bingo halls to extend the hour of closing to 4:00 o'clock a.m. on Saturday and Sunday mornings respectively.
14.
 - (a) That a purchase order be issued to Hamilton Truck Service Ltd., Hamilton, in the amount of \$397,681.50, including all applicable taxes, for the purchase of three (3) Refuse Packers for Fleet Services, being the lowest acceptable of six tenders received in accordance with specifications issued by Purchasing and Vendor's tender; and,
 - (b) That the purchase of the (3) Refuse Packers be funded in an amount of \$360,000. from Capital Funds Account # CF5200 609551018; and,
 - (c) That the Finance and Administration Committee recommend the method of financing the unbudgeted balance of \$37,681.50.
15.
 - (a) That the total additional requisition cost of 3 Refuse Packers including all applicable taxes in the amount of \$37,681.50 be financed from the 1995 Capital Levy; and,
 - (b) That the gross cost of the above Account Centre No. CF 609551018 be increased from \$360,000. to \$397,681.50 by \$37,681.50.

16. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) D-76 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears.
 - (b) D-77 A By-law to Authorize the Repeal of By-law No. 9429 in Respect of the Expropriation of Certain Lands.
 - (c) D-78 A By-law to Amend By-laws 93-069 and 80-259 respecting: Fines.
 - (d) D-79 A By-law to Amend By-law No. 95-090 respecting 1995 Debenture Projects and Amounts.
 - (e) D-80 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1995 November 21**

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

NAME	STATUS	CLASSIFICATION	DEPARTMENT	REASON HIRED	SALARY SCHEDULE	EFFECTIVE DATE
Ms. Barbara Dawson	I	Title Searcher/Legal Clerk (15D)	Law	Replacing Ms. D. Gagnon - promoted Aug. 28/95	\$32,332.04 to \$37,077.04	Oct. 23/95
Mr. Douglas Hewson	I	Yard Attendant (D15)	Public Works	Replacing Mr. D. Clinch - retired Dec. 31/93	\$36,416.64	March 07/94
Ms. Rose MacGowan	I	Caretaker (SC)	Property	Replacing Mr. R. Ladniak - resigned, Aug. 29/95	\$26,606.32 to \$28,919.28	Aug. 30/95
Mr. Robert Taylor	I	Lead Hand/Truck Driver (D17)	Public Works	Replacing Mr. P. Defelice - retired, Oct. 01/95	\$37,146.72	Oct. 10/95
Mr. Peter Vellenga	I	Truck Driver (D13)	Public Works	Replacing Mr. A. Diligenti terminated, June 25/95	\$35,686.56	June 26/95

Prepared November 9, 1995

Status
Internal - I
External - E

THE CORPORATION OF THE CITY OF HAMILTON

TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. James Arnold	Firefighter I	Fire	Retired	30 years	Nov. 01/95
Mr. Bauwe Bethlehem	Building Inspector	Building	Retired	32 years, 1 month	Sept. 29/95
Mr. Dennis Carson	Executive Assistant	Mayor's Office	Retired (Early)	10 years, 7 months	Sept. 29/95
Ms. Marjorie Denton	Curator	Culture & Recreation	Resigned	17 years, 5 months	Nov. 01/95
Mr. Pat DiFelice	Lead Hand/Truck Driver	Public Works	Retired	25 years, 4 months	Sept. 28/95
Mr. Gunter Dohnt	Lead Hand/Truck Driver	Public Works	Retired	33 years, 6 months	Sept. 29/95
Ms. Gyula Fawcett	Comm Adjustment Administrative Clerk	Building	Retired	14 years, 5 months	Sept. 29/95
Mr. Gordon Flett	Firefighter I	Fire	Retired	30 years	Oct. 31/95
Ms. Sandra Johnson	Secretary Client Services	H.E.C.F.I.	Resigned	7 years, 3 months	Sept. 26/95
Mr. John Keough	Labourer	Public Works	Retired	25 years, 4 months	Sept. 29/95
Ms. Zeltite Knowles	Cartographic Technician	Planning	Retired (Early)	21 years	Sept. 29/95

Prepared November 9, 1995

Glossary of Terms

Terminated - long term disability
 - discharge
 - downsizing
 - redundant

Resigned - personal betterment
 - personal reasons

THE CORPORATION OF THE CITY OF HAMILTON

TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>SERVICE</u>	<u>DATE</u>
Mr. Larry Krouse	Labourer	Cemetery	Retired (Early)	22 years	Sept. 29/95
Mr. Joe Machida	Supervisor Accounts Payable Treasury		Retired (Early)	29 years, 7 months	Sept. 29/95
Mr. Anthony MacKinnon	General Foreman/Woman	Public Works	Retired	25 years, 1 month	Sept. 29/95
Ms. Helen Malham	Licence Steno I	City Clerk's	Retired	16 years	Nov. 30/95
Mr. Bradley McCoy	Parking Control Supervisor	Traffic	Retired	17 years, 3 months	Sept. 29/95
Ms. Dolores McPhail	Parking Violations Clerk	Traffic	Retired	16 years, 8 months	Sept. 29/95
Mr. Fred Rolfe	Greenskeeper II/Rink III	Public Works	Resigned	11 years, 4 months	Oct. 11/95
Mr. Al Rochhead	Truck Driver	Public Works	Retired	22 years, 10 months	Oct. 31/95
Mr. William Sargeant	Zoning Examiner/Code Correlator	Building	Retired	31 years, 7 months	Sept. 29/95
Mr. John Tabone	Caretaker	Property	Retired	22 years, 9 months	Sept. 29/95
Ms. Bonnie Turnbull	Admin Assistant II	Treasury	Retired	15 years, 4 months	Sept. 29/95
Mr. Raymond Vallier	Tractor Operator	Public Works	Retired	24 years, 1 month	Sept. 29/95

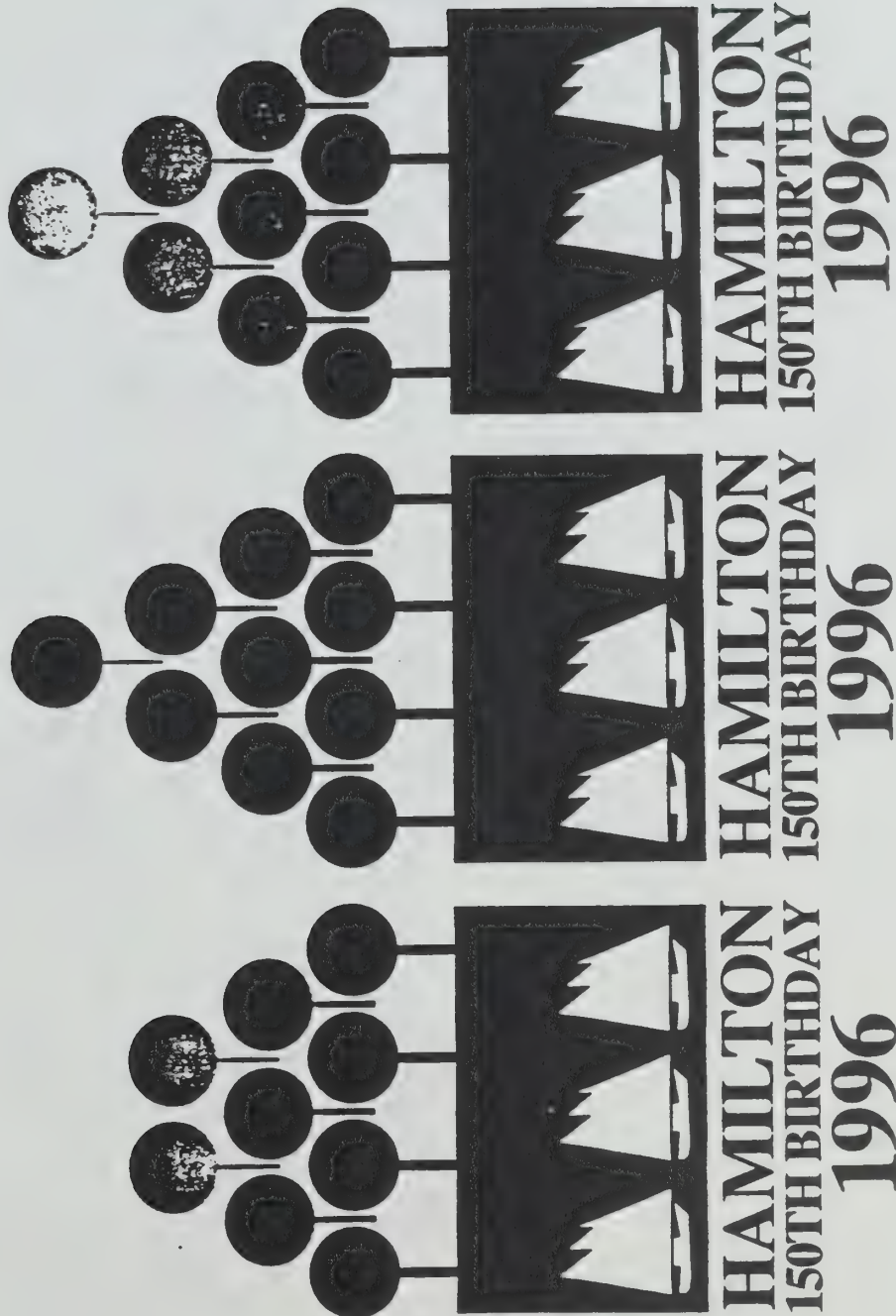
Prepared November 9, 1995

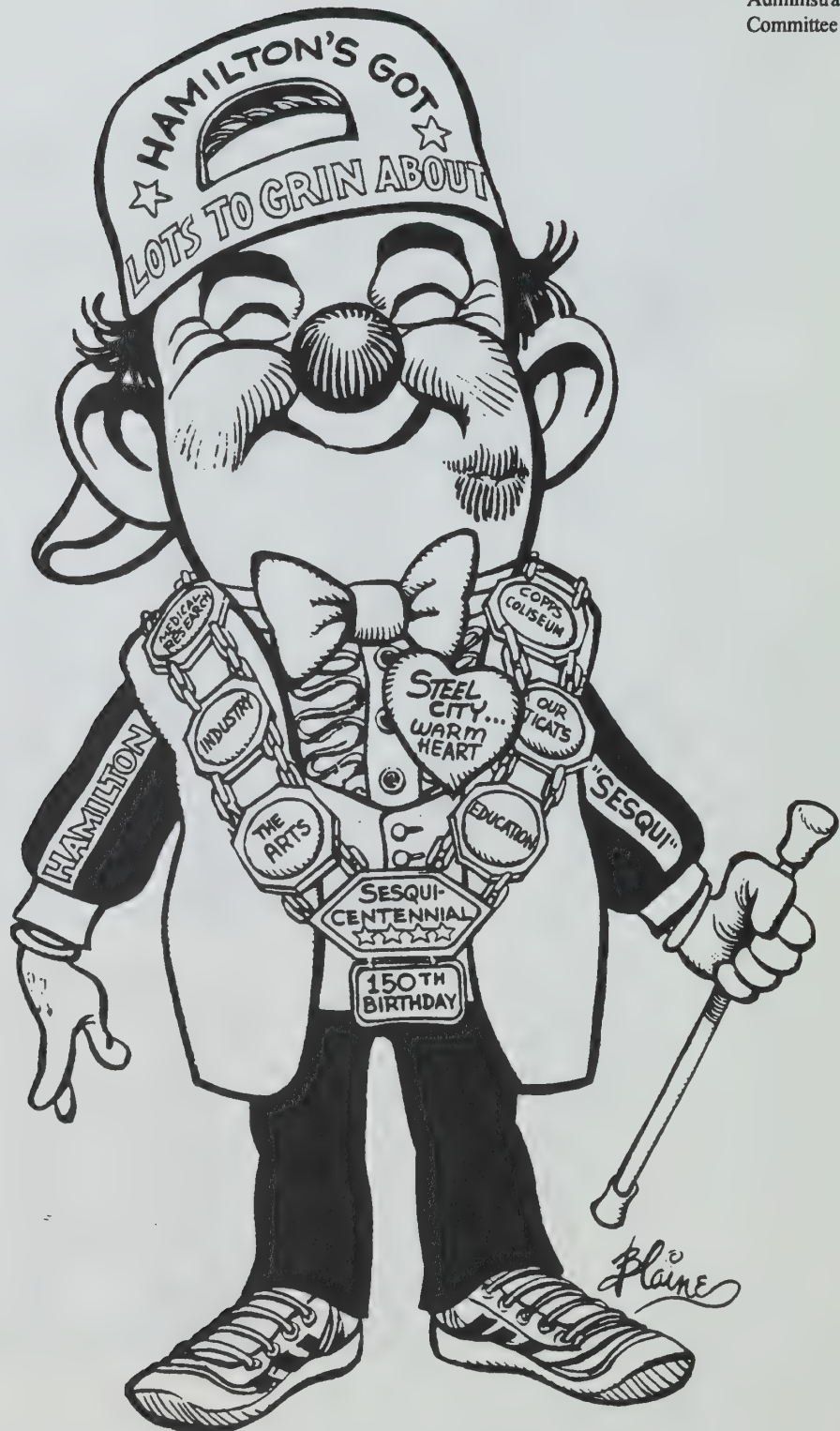
Glossary of Terms

Terminated - long term disability
 - discharge
 - downsizing
 - redundant

Resigned - personal betterment
 - personal reasons

Appendix "B" referred
to in Section 8 (a) of the
TWENTY-EIGHTH Report
of the Finance and
Administration
Committee for 1995.





REPORT OF THE NOMINATING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Nominating Committee presents its **SEVENTH** Report for 1995 and respectfully recommends:

1. That Alderman _____ be appointed Chairman of the Committee of the Whole for the period of December, 1995; January and February, 1996.

RESPECTFULLY SUBMITTED

**MAYOR R. M. MORROW
CHAIRMAN,
NOMINATING COMMITTEE**

J.J. Schatz, Secretary
199 November 28

**NOTICES OF MOTION
FROM PREVIOUS MEETING**

<p style="text-align: center;">NOTICE OF MOTION FOR NEXT MEETING (1995 November 28)</p>

Alderman Collins gave notice that he would at the next regular meeting of City Council the following motion:

- | | |
|----------------------|--|
| WHEREAS | Section 45 of the Ontario Municipal Act provides for the filling of a vacancy on a municipal council by the appointment of a qualified person by the municipal council, and |
| WHEREAS | Section 46 of the Ontario Municipal Act permits a municipal council to fill a vacancy on a municipal council by the holding of a by-election provided the vacancy occurs prior to March 31 of an election year, and |
| WHEREAS | By-Elections cost on average \$50,000 per ward which could be better allocated to other municipal purposes for the benefit of all taxpayers, and |
| WHEREAS | Participation in by-elections by the electorate is very low in comparison to general municipal elections indicating limited interest in by-elections, and |
| WHEREAS | Public response to the calling of the most recent by-election in the City of Hamilton was very negative, and |
| WHEREAS | Additional qualified persons may run for municipal office in general municipal elections if a city policy was in place guaranteeing the third place finisher in a ward election appointment to City Council in the event of a vacancy occurring between general elections. |
| NOW THEREFORE | Be it resolved that the City Council of the City of Hamilton give serious consideration to adopting a policy of appointing the respective third place finisher when a vacancy occurs for the office of Alderman in a ward between general elections. |

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1995 NOVEMBER 28
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

BY-LAW NO. 95 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. Schedule 10 (Stops at Intersections) of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following item, namely:-

"Annapolis

Southbound

Beaverton."

PASSED this

day of

A.D. 1995.

CITY CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.95-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.

(b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

(a) that the Extension Agreement does not reduce the amount of the Cancellation Price.

(b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.

(c) that any person may pay the Cancellation Price at any time.

(d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.

(e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.

3. As also provided in the Municipal Tax Sales Act,

(a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.

(b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this day of 1995, A.D.,

CITY CLERK

MAYOR

SCHEDULE "A"
EXTENSION AGREEMENTS

A)	PROPERTY ADDRESS	17 Delana Street S.
	SERIAL NUMBER	05 04130 0040
	BRIEF LEGAL DESCRIPTION	Plan 556 Lot 126
	DATE OF REGISTRATION	October 17, 1995
	INST # OF TAX ARREARS CERTIFICATE	VM219526
	REDEMPTION DATE	October 17, 1996
	TOTAL ARREARS	\$8,535.23
B)	PROPERTY ADDRESS	110 Hess Street S.
	SERIAL NUMBER	02 01310 0250
	BRIEF LEGAL DESCRIPTION	Survey GS Tiffany
		Part Lot 5 Part Lot 6
	DATE OF REGISTRATION	September 26, 1995
	INST # OF TAX ARREARS CERTIFICATE	VM218063
	REDEMPTION DATE	September 26, 1996
	TOTAL ARREARS	\$14,375.85

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 95 -

TO AUTHORIZE THE REPEAL OF BY-LAW NO. 9429

IN RESPECT OF THE EXPROPRIATION OF CERTAIN LANDS

WHEREAS by By-law 9429 entitled "A By-Law to Expropriate Certain Lands in the area bounded by The Queen Elizabeth Way, Grays Side Road, Queenston Road and No. 20 Highway in connection with Sewers and Watercourses" enacted on the 8th day of August, 1961, The Corporation of the City of Hamilton expropriated the parcels of land therein described; and

AND WHEREAS by By-Law No. 10044 entitled "A By-law to Amend By-law 9429 which expropriated certain lands in the (Stoney Creek Drainage) area bounded by the Queen Elizabeth Way, Grays Side Road, Queenston Road and No. 20 Highway in connection with Sewers and Watercourses" it was deemed expedient to release from expropriation three of the four parcels of land described in By-law 9429; and

AND WHEREAS it is now deemed expedient to release the fourth and final parcel of land, described in Schedule "A" attached hereto, from expropriation.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law 9429 is hereby repealed in its entirety; and
2. The City Solicitor is hereby authorized to register the herein by-law on title to the lands described in Schedule "A" attached hereto.

PASSED this day of November

A.D. 1995

CITY CLERK

MAYOR

SCHEDULE "A"

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of Hamilton, Regional Municipality of Hamilton-Wentworth, Province of Ontario and being composed of parts of Lots 24, Concession 1, Township of Saltfleet (now in the City of Hamilton) and which said parcel may be more particularly described as follows:

COMMENCING at a point in the southern limit of the Queen Elizabeth Way as shown on a plan prepared by the Department of Highways, Ontario and deposited in the Registry Office for the Registry Division of the County of Wentworth as Plan No. 180 Miscellaneous distant three hundred and thirty-four feet (334'0") measured easterly thereon from the eastern limit of Lake Avenue, (road allowance between Lots 24 and 25).

THENCE southerly parallel to the said eastern limit of Lake Avenue, nine hundred and fifty feet (950'0").

THENCE south-westerly in a straight line three hundred and fifty feet (350'0") more or less to a point in the said eastern limit of Lake Avenue distant therein one thousand and sixty feet (1,060'0") from the said southern limit of the Queen Elizabeth Way.

THENCE southerly along the said eastern limit of Lake Avenue two hundred and ninety feet (290'0") more or less to the northern limit of the lands of the Hydro Electric Power Commission of Ontario.

THENCE easterly along the said northern limit of the Hydro Electric Power Commission of Ontario lands to its intersection with the eastern limit of the water's edge of the Stoney Creek Pond, being the eastern limit of the lands secondly described in Instrument No. 48204 Saltfleet.

THENCE northerly along the water's edge of Stoney Creek Pond to the said southern limit of the Queen Elizabeth Way.

THENCE westerly along the said southern limit of the Queen Elizabeth Way five hundred and sixty-seven feet (567'0") more or less to the place of beginning.

As secondly described in Instrument No. 171666 HL

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

By-laws 93-069 and 80-259

Respecting:

FINES

WHEREAS various trades, calling businesses and occupations are licensed through By-law 93-069, and second level lodging houses are licensed through By-law 80-259;

AND WHEREAS the Municipal Act, R.S.O. 1990, c.M-45, section 329, has been amended to provide for an increase in the maximum fines for licensing by-laws, from \$5,000 for each offence as previously provided in the Provincial Offences Act, R.S.O. 1990, c.P-33;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 20 of the 25th Report of the Finance and Administration Committee, at its meeting held on the 31st day of October, 1995, directed that the by-laws be further amended to provide for the increased fines;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Licensing By-law No. 93-069 as amended, be further amended by repealing and replacing section 18 with the following:

"18. (1) Subject to (2), every person who contravenes this by-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.00.

(2) Where a corporation is convicted of an offence under this by-law, the maximum penalty that may be imposed on the corporation is \$50,000.00 and not as provided in (1)."

2. Licensing By-law No. 80-259 as amended, be further amended by repealing and replacing subsection 49(1) with the following:

"49 (1) Subject to (1a), every person who contravenes this by-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.00.

(1a) Where a corporation is convicted of an offence under this by-law, the maximum penalty that may be imposed on the corporation is \$50,000.00 and not as provided in (1)."

3. In all other respects By-law 93-069 and By-law 80-259, both as amended, are hereby confirmed without change.

PASSED this day of November A.D. 1995.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend

By-law No. 95-090

Respecting

1995 DEBENTURE PROJECTS AND AMOUNTS

WHEREAS By-law No. 95-090 was enacted on April 11, 1995 and included the Roadway and Sidewalk Reconstruction Program as a project;

AND WHEREAS City Council, on August 29, 1995, in adopting Item No. 15 of the 19th Report of the Finance and Administration Committee authorized an amendment to the 1995 Debenture Projects to increase the authorized cost of the 1995 Reconstruction Program - Local Roads by \$100,000.00;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Paragraph 4 of Schedule "A" of By-law No. 95-090 is amended by removing paragraph 4 and replacing it with the following:

SCHEDULE "A" TO BY-LAW NO. 95-090

<u>Project</u>	<u>Gross Cost</u>	<u>Subsidy Receipts</u>	<u>Capital Levy Financing</u>	<u>Net Debenture Authorization</u>
85.0 Roadway and Sidewalk Reconstruction Program - Local Roads - Phase I	\$ 7,325,000	\$1,806,000	\$100,000	\$5,419,000

2. The total columns of Schedule "A" are repealed and replaced with the following:

<u>\$11,986,000</u>	<u>\$2,131,000</u>	<u>\$163,000</u>	<u>\$9,692,000</u>
---------------------	--------------------	------------------	--------------------

PASSED this

day of

, 1995.

CITY CLERK

MAYOR

BY-LAW NO. 95 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 28TH DAY OF NOVEMBER A.D., 1995.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 28th day of November A.D. 1995

CITY CLERK

MAYOR

CAY ON HBL A05
A31
1995

URBAN MUNICIPAL

DEC 12 1995

GOVERNMENT DOCUMENTS

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

Tuesday, 1995 December 12

7:30 o'clock p.m.

Council Chambers, City Hall

**J. J. Schatz
City Clerk**

A G E N D A

1. **National Anthem.**
2. **Opening Prayer:** *Rev. Doctor John A. Johnston,
Minister Emeritus of MacNab Presbyterian Church*
3. **PRESENTATION** *Cheque in the amount of \$5,000 from the Ontario Film
Development Corporation to the Fountain Foundation*

*Presenters will be Gail Thompson, David Beland
Donna Zukhlinski Fountain Foundation
Kim Cole and Karen Tyrell*
4. **Adoption of the minutes of the meeting held 1995 November 28.**
5. **Correspondence\Petitions**
6. **Reports of the Standing Committees:**
 - (a) *Transport and Environment Committee*
 - (b) *Parks and Recreation Committee*
 - (c) *Planning and Development Committee*
 - (d) *Finance and Administration Committee*
7. **Notices of Motion for next meeting.**
8. **Question Period.**
9. **Adjournment.**

MINUTES

Minutes of Hamilton City Council
Tuesday, 1995 November 28
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Copps, Wilson,
Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross.

Mayor Morrow called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Reverend Father Bohdan Hladio, St. Vladimir Ukrainian Orthodox Church led Council in prayer.

ADOPTION OF MINUTES

The minutes of the meeting held 1995 November 14 were adopted as circulated.

PRESENTATIONS

Milton Lewis, Co-Chair, Vincenza Travale, Co-Chair, Carmen Rizzotto, Executive Director, gave City Council a Sesquicentennial Update. Blaine the Artist, Walter Zatylny of Stirling Print-All & Creative Services and Sesqui the Mascot were also recognized for their contributions.

* * * * *

Mayor Morrow presented Mr. Russ Weil with a medallion in recognition of his being the recipient of the 1995 Hamilton Arts Award.

* * * * *

Margaret MacGillivray of The Friends of the Hamilton Public Library presented mugs to the Members of City Council and extended a thank you to City Council for their support of the Hamilton Public Library.

CORRESPONDENCE

1. Letter dated 1995 October 14 from Bay Area Restoration Council, Mark Sproule-Jones, President re: Hamilton Waterfront Park.

Referred to the Parks and Recreation Committee.

2. Letter dated 1995 November 20 from Peter Georgakopoulos, 1050 Rymal Road East, Hamilton, Ontario for a further modification to the "M-12 (Prestige Industrial) District regulations for lands located at No. 1050 Rymal Road East, Hamilton, Ontario

Received.

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Nominating Committee be considered in Committee of the Whole with Alderman Ross in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Copps, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - FOURTEENTH REPORT

PARKS AND RECREATION COMMITTEE - TWENTIETH REPORT

PLANNING & DEVELOPMENT COMMITTEE - TWENTY-SECOND REPORT

FINANCE & ADMINISTRATION COMMITTEE - TWENTY-EIGHTH REPORT

Section 5 Re: Preparation of By-law to repeal By-law No. 9429 respecting the expropriation of certain lands.

It was moved by Alderman Charters and seconded by Alderman Collins that Section 5 of the Twenty-Eighth Report for 1995 of the Finance and Administration Committee be amended to add the following words after the word "lands":

".... in the area bounded by The Queen Elizabeth Way, Grays Side Road, Queenston Road and No. 20 Highway in connection with Sewers and Watercourses". **CARRIED.**

* * * * *

Section 12 Re: 752413 Ontario Limited and Champions Fitness Limited - Rental Rate - Copps Coliseum

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, McCulloch, Drury, Morelli, Wilson, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -13.

NAYS: Aldermen Kiss, Copps, Eisenberger. -3. **CARRIED.**

NOMINATING COMMITTEE - SEVENTH REPORT

MOTION FROM PREVIOUS MEETING

(November 14, 1995)

It was moved by Alderman Collins and seconded by Alderman Charters

WHEREAS Section 45 of the Ontario Municipal Act provides for the filling of a vacancy on a municipal council by the appointment of a qualified person by the municipal council, and

WHEREAS Section 46 of the Ontario Municipal Act permits a municipal council to fill a vacancy on a municipal council by the holding of a by-election provided the vacancy occurs prior to March 31 of an election year, and

WHEREAS By-Elections cost on average \$50,000 per ward which could be better allocated to other municipal purposes for the benefit of all taxpayers, and

WHEREAS Participation in by-elections by the electorate is very low in comparison to general municipal elections indicating limited interest in by-elections, and

WHEREAS Public response to the calling of the most recent by-election in the City of Hamilton was very negative, and

WHEREAS Additional qualified persons may run for municipal office in general municipal elections if a city policy was in place guaranteeing the third place finisher in a ward election appointment to City Council in the event of a vacancy occurring between general elections.

NOW THEREFORE Be it resolved that the City Council of the City of Hamilton give serious consideration to adopting a policy of appointing the respective third place finisher when a vacancy occurs for the office of Alderman in a ward between general elections.

* * * * *

It was moved by Alderman Agro and seconded by Alderman Morelli that the Notice of Motion respecting adopting a policy of appointing the third place finisher in a general election when a vacancy occurs for the Office of Alderman in a ward between general elections be referred to the Finance and Administration Committee. **CARRIED.**

ACTING MAYOR FOR THE MONTH OF DECEMBER, 1995

It was moved by Alderman Kiss and seconded by Alderman Caplan that Alderman B. Morelli be appointed Acting Mayor for the month of December, 1995.

CARRIED.

ADOPTING THE REPORTS OF THE COMMITTEE OF THE WHOLE

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the Nominating Committee and resolutions be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Copps, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 9:05 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1995 November 28
JJS/dg

CORRESPONDENCE

Correspondence:

1. Letter dated 1995 December 4 from R. Scott Smith, Secretary to the Board of Commissioners, The Hamilton Harbour Commissioners Re: Five Year Capital Budget.

Recommendation: **Be Referred to the Finance and Administration Committee.**

2. Application dated 1995 November 29 from Harley Knight, Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified for lands located at the rear of No. 371 Rymal Road East, Hamilton, Ontario.

Recommendation: **Be Received.**

3. Application dated 1995 December 4 from Metropolitan Hamilton Real Estate Board, Hamilton, Ontario for a further modification to the established "Lmr-2" (Planned Development - Multiple Residential) District regulations for lands located at No. 39-41 Devonport Street, Hamilton, Ontario.

Recommendation: **Be Received.**

4. Application dated 1995 December 6 from Peter Zourntos et. al for an Official Plan Amendment to delete Special Policy Area No. 46 and for a change in zoning from "G-4" (Designed Neighbourhood Shopping Area) District, modified to "HH" (Restricted Community Shopping and Commercial) District, for lands located at No. 30 Rymal Road East, Hamilton, Ontario.

Recommendation: **Be Received.**

605 James St. N.
Hamilton, Ontario, Canada
L8L 1K1

Phone Numbers
Hamilton 905-525-4330
Inwats 1-800-263-2131

Fax Numbers
Administration 905-528-6282
General Office 905-528-6554



December 4, 1995

Mr. Joseph Schatz
City Clerk
The Corporation of the City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir,

Enclosed for your information is a copy of The Hamilton Harbour Commissioners' Five (5) Year Capital Budget of projected major expenditures for future Harbour development, equipment and improvements.

Yours truly,
THE HAMILTON HARBOUR COMMISSIONERS

R. Scott Smith
Secretary to the Board of Commissioners

RSS:ah
Encls.

OFFICE OF THE CITY CLERK	
DEC 06 1995	
REC. BY <i>js</i>	DATE
REF'D. TO	DATE
REF'D. TO	DATE
REF'D. TO	DATE
ACTION: <i>FOR CITY COUNCIL</i>	
<i>CC. TREASURER</i>	

THE HAMILTON HARBOUR COMMISSIONERS
PROJECTED CASH FLOW
1996 TO 2000

(IN MILLIONS OF DOLLARS)

SOURCE OF FUNDS :

Working Capital - Dec. 31, 1995	1.50
Investments - Dec. 31, 1995	9.00
Income before Depreciation (5 x 3.0)	15.00

TOTAL SOURCE OF FUNDS	25.50
-----------------------	-------

USE OF FUNDS :

Purchase and Development of Fixed Assets (per 5 year budget)	29.76
Repayment of Long-term Debt (5 x 0.05)	0.25

TOTAL USE OF FUNDS	30.01
--------------------	-------

EXCESS, (DEFICIT) OF FUNDS - Dec. 31, 2000	(4.51)
--	--------

Brought to the attention
of the Board at a meeting

held 29/11/95 +
approved

[Signature]

THE HAMILTON HARBOUR COMMISSIONERS

FIVE YEAR CAPITAL BUDGET

(CURRENT YEAR DOLLARS)

DESCRIPTION	SUMMARY						FIVE YEAR TOTAL
	TOTAL PROJECT COST	1996	1997	1998	1999	2000	
Eastport Development	19.597	1.719	1.945	2.760	2.450	3.993	12.867
Capital Improvements and Major Maintenance	17.724	3.848	3.285	2.050	2.275	2.200	13.658
Equipment	3.233	0.286	0.930	0.401	0.521	1.095	3.233
	40.554	5.853	6.160	5.211	5.246	7.288	29.758

Brought to the attention
of the Board at a meeting
held 29/11/95 +
approved
[Signature]

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **FIFTEENTH** Report for 1995 and respectfully recommends:

1. (a) That the by-law to alter the north leg concrete island at the intersection of Centennial Parkway and Barton Street be passed and enacted; and,

 (b) That the Commissioner of Transportation\Environmental Services, or his agents, be authorized and directed to carry out the works once all the necessary approvals have been obtained.

2. (a) That the construction of a concrete alley first south of Hunter Street from Bay Street to approximately 83.5m westerly, proceed as a local improvement pursuant to Section 12 of The Local Improvement Act at an estimated gross cost of \$48,000. with a City's Share of \$35,060.49 and an Owner's Share of \$12,939.51 provided the owners of No. 136 Bay Street South and No. 121 Hunter Street West commute a portion of the Owner's Share for Nos. 130 and 132 Bold Street apportioned on a frontage basis as follows: No. 136 Bay Street South - \$776.33 and No. 121 Hunter Street West - \$806.48, and the remaining portion of the Owner's Share (\$375.29) be added to the Owner's Share for No. 120 Bay Street South (City-owned) all as provided in the 1995 portion of the 1995 - 2004 Capital Budget; and,

 (b) That the Finance and Administration Committee be requested to recommend a source of funding for this Capital Project; and,

 (c) That the Commissioner of Transportation/Environmental Services be authorized to construct these works on behalf of the City once all the necessary approvals have been received; and,

 (d) That the Commissioner of Public Works and Traffic be authorized and directed to prepare the necessary by-law in a form satisfactory to the City Solicitor; and,

 (e) That the City Clerk and City Treasurer be directed to give the necessary notice of City Council's intention to undertake these works.

3. That purchase orders be issued to 1997 April 30 for the rental of labour and equipment for snow removal, in accordance with the specifications issued by the Manager of Purchasing and Vendor's tenders, as outlined in Appendix "A" attached hereto, and that this expenditure be financed through the Hired Equipment Clearing Account No. CH56602 60999.
4. That a "One Hour Parking Time Limit, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation be implemented on the north side of Brantdale Avenue between Cloverhill Road and Glenwood Crescent and that the City Traffic By-law No. 89-72 be amended accordingly.
5. That a "No Parking" regulation be implemented on the north side of Burton Street commencing at Cheever Street and extending to a point 114 feet easterly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
6. That a "No Stopping" regulation be implemented on the west side of Pottruff Road South commencing at Gardenia Court and extending to a point 156 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
7. That a "No Stopping" regulation be implemented on the west side of Moxley Drive commencing at Carson Drive and extending to a point 48 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
8.
 - (a) That the existing "Alternate Side Parking" regulation on Norway Avenue between Maplewood Avenue and Afton Avenue be replaced with a "No Parking" regulation on the east side and a "Permit Parking" regulation on the west side and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue two parking permits to Nos. 14 and 38 Norway Avenue and one parking permit per residence to Nos. 18, 24, 26, 28, 32, 36, 42, 46 and 50 Norway Avenue and any additional permits (to a maximum of 18) on a first come first served basis.

9. (a) That the duration of the existing parking meters on the north side of Hunter Street East between James Street South and John Street South be revised from one hour to fifteen minutes; and,
- (b) That the existing "Permit Parking" regulation on the north side of Hunter Street East which commences 78 feet east of James Street South and extends 46 feet easterly therefrom be revised, such that the regulation commences 101 feet east of James Street South and extends to a point 31 feet easterly therefrom; and,
- (c) That a "No Stopping" regulation be implemented on the north side of Hunter Street East, commencing 53 feet east of Hughson Street South and extending to a point 50 feet west of Hughson Street South; and,
- (d) That a "No Stopping" regulation be implemented on the south side of Hunter Street East commencing at a point 276 feet east of James Street South and extending to a point 143 feet easterly therefrom; and,
- (e) That a "Commercial Vehicle Loading Zone, 24 Hours a Day, 7 Days a Week" regulation be implemented on the south side of Hunter Street East commencing at a point 208 feet east of James Street South and extending to a point 68 feet easterly therefrom; and,
- (f) That a "Taxi Stand, 24 Hours a Day, 7 Days a Week" regulation be implemented on the south side of Hunter Street East commencing at a point 132 feet east of James Street South and extending to a point 75 feet easterly therefrom; and,
- (g) That a "Wheelchair Loading Zone, 24 Hours a Day, 7 Days a Week" regulation be implemented on the south side of Hunter Street East commencing at a point 261 feet west of John Street South and extending to a point 20 feet westerly therefrom; and,
- (h) That a "No Parking - Loading Zone, 24 Hours a Day, 7 Days a Week" regulation be implemented on the south side of Hunter Street East commencing at a point 65 feet west of John Street South and extending to a point 196 feet westerly therefrom; and,
- (i) That the City Traffic By-law No. 89-72 be amended accordingly.

10. That a "No Parking" regulation be implemented on the west side of Northgate Drive commencing at the southerly end and extending to a point 45 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
11. (a) That a "Permit Parking" regulation be implemented on the west side of Mary Street commencing at a point 135 feet south of Wood Street East and extending to a point 20 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Edmund Mroz, No. 499 Mary Street.
12. That northbound traffic on Shynal Avenue and Tate Avenue be required to stop for eastbound and westbound traffic on Morley Street and that the City Traffic By-law No. 89-72 be amended accordingly.
13. That a purchase order be issued to Canadian Corps of Commissionaires (Hamilton) for parking enforcement services for 1996, in accordance with specifications issued by Purchasing and Vendor's quote, as follows:

Position	Billing Rate Per Hour
Sergeant	\$ 11.91
Commissionaire	\$ 10.98

14. (a) That approval be granted for the erection of signs identifying Hamilton as the location of the 1996 Grey Cup game, at major City of Hamilton entrance points on City of Hamilton Roads as requested by Grey Cup 96 Inc.; and,

(b) That the cost of signs erected identifying Hamilton as the location of the 1996 Grey Cup game be recovered from Grey Cup 96 Inc.; and,

(c) That the Ministry of Transportation of Ontario be formally requested to erect signs identifying Hamilton as the location of the 1996 Grey Cup game, on the Provincial Highways at major City of Hamilton entrance points, as requested by Grey Cup 96 Inc.; and,

- (d) That the cost of signs that the Ministry agrees to the erection of identifying Hamilton as the location of the 1996 Grey Cup game be recovered from Grey Cup 96 Inc.
15. That the applications to retain inadvertent encroachments at the locations as outlined in Appendix "B", attached hereto, be approved, provided:
- (a) That the owners enter into agreements satisfactory to the City Solicitor and Commissioner of Transportation/Environmental Services to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
 - (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,
 - (c) That the first year fees and subsequent annual fees as outlined in Appendix "B" be set for the encroachments.
16. (a) That the following City land be incorporated into a certain street in order to complete the final street width or to provide access to the newly registered subdivision agreement:
- Appleblossom Drive Block 31 Plan 62M-710; and,
- (b) That the by-law to carry out the incorporation of the said land into the foregoing street be approved; and,
 - (c) That the Commissioner of Transportation/Environmental Services be authorized and directed to register the by-law.
17. (a) That the submitted schedules of works be adopted for inclusion in the Subdivision Agreement with the Owner for the estimated costs of services in:
- " ELEANOR HEIGHTS ADDITION - PHASE TWO ", Hamilton**
City's Share \$ NIL Subdivider's Share \$ 71,839.; and,
- (b) That the Mayor and the City Clerk be authorized and directed to execute the proposed Subdivision Agreements with the Owners of "Eleanor Heights Addition - Phase Two", and any other related documents for this Subdivision subject to the approval of the City Solicitor; and,

- (c) That approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement have been registered; and,
 - (d) In the event that the owners wish to proceed prior to the registration of the Final Plan and Subdivision Agreement being registered they should be allowed to do so at their own risk provided that they enter into a standard agreement with the City of Hamilton for pre-servicing.
18. (a) That the application of Flamboro General Homes Inc. (Ontario Corporation) to install and maintain a retaining wall measuring 1.0m X 5.49m X 1.64m onto the Burlington Street road allowance be approved, subject to the following conditions:
- (i) That the applicant enter into an Encroachment Agreement in a form satisfactory to the Commissioner of Transportation/Environmental Services and the Law Department; and,
 - (ii) That the applicant pay a first year fee of \$252. for processing and registration and an annual fee of \$25.; and,
- (b) That the Mayor and the City Clerk be authorized to sign and execute all necessary documents to execute this agreement.
19. (a) That an Offer to Purchase agreement between The Regional Municipality of Hamilton-Wentworth and The Corporation of the City of Hamilton executed on 1995 November 21 and scheduled to close on or before 1996 January 19 for the purchase by the Region of part of Lot 55, Concession 1, in the former Geographic Township of Ancaster, now in the City of Hamilton, being a parcel of vacant land having a frontage of 7.867 metres (25.81 feet) more or less, along the western limit of Ewen Road, and a depth of 26.359 metres (86.48 feet) more or less, comprising an area of 0.021 hectares (0.051 acres) more or less, shown as Part 1 on Plan 62R-13242 subject to a pipeline easement in favour of Union Gas Limited over the northern half of Part 4 on Plan 62R-6555, known municipally as part of 26 Ewen Road, Hamilton, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Estate Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and funds derived from this sale of \$16,800. be credited to Account No. CH4X501 00102 (Reserve for Property Purchases (Sales)); and,

- (b) That an Authority to Enter between The Regional Municipality of Hamilton-Wentworth and The Corporation of the City of Hamilton executed on 1995 November 21 for the lands being composed of part of Lot 55, Concession 1, in the former Geographic Township of Ancaster, now in the City of Hamilton, being a parcel of vacant land having a frontage of 7.867 metres (25.81 feet) more or less, along the western limit of Ewen Road, and a depth of 26.359 metres (86.48 feet) more or less, comprising an area of 0.021 hectares (0.051 acres) more or less, shown as Part of Plan 62R-13242 subject to a pipeline easement in favour of Union Gas Limited over the northern half of Part 4 on Plan 62R-6555, known municipally as part of No. 26 Ewen Road, Hamilton, be approved; and,
 - (c) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,
 - (d) That in accordance with Real Property Sales Procedural By-law No. 95-049,
 - (i) satisfactory Notice has been given to the public of the intended sale; and,
 - (ii) no appraisal of the fair market value of the property being sold was obtained as the lands are exempt from this requirement; and,
 - (iii) the City Clerk be authorized and directed to execute and (issue) a Certificate of Compliance in the form prescribed by Section 193 of the Municipal Act.
20. That the following continuous improvement initiatives in the Department of Public Works and Traffic's Sanitation Division be endorsed as current budget reductions for consideration in the 1996 Current Budget Deliberations:
- (a) Salaries base reduction \$300,000.
 - (b) Operational improvements at Transfer Stations and SWARU \$140,000.
 - (c) Fleet management improvements \$200,000.
 - (d) Supervisory direct chargeback elimination \$ 50,000.

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21. (a) That the request of nine of the thirteen owners on Wingate Place for the construction of concrete sidewalks on Wingate Place in Wheten Court Subdivision, at an estimated cost of \$19,100., be approved; and,
- (b) That the Commissioner of Transportation/Environmental Services be authorized and directed to construct these works on behalf of the City; and,
- (c) That the Finance and Administration Committee recommend a source of funding for this project.
22. That the Commissioner of Public Works and Traffic be directed to provide a second scheduled pick up of garbage on Fridays for the alleyways which serve King Street between James Street and Wellington Street.
23. (a) That, effective 1996 January 1, the staff complement of the Public Works and Traffic Department be adjusted as follows:
- DELETE**
- | | |
|-----------------------------|---------|
| Parking Control Supervisor | 1.0 FTE |
| Parking Violation Clerk I | 1.0 FTE |
| Parking Control Officer | 1.0 FTE |
| Administrative Assistant II | 1.0 FTE |
- ADD**
- | | |
|--------------------------------|---------------|
| Traffic Legislative Specialist | 1.0 FTE |
| Clerk/Dispatcher | 1.0 FTE; and, |
- (b) That the responsibility, accountability, equipment, vehicle and budget allocation for Noise Control (and related enforcement activities) be transferred to the Community Traffic Services Division effective 1996 January 1.
24. (a) That the West Central Branch of the Ministry of the Environment and Energy be advised that the City of Hamilton has no objection to PPM Canada Inc. carrying out the proposed PCB destruction for International Iron and Metal Company at No. 1640 Brampton Street, Hamilton, Ontario; and,

1995 December 12

- (b) That the thirty (30) day notification period that is normally required after a Certificate of Approval is issued by the Ministry of the Environment and Energy be waived so that the proposed work can be carried out as scheduled.
25. (a) That the Regional Municipality of Hamilton-Wentworth and all other area Municipalities be advised that the City of Hamilton recommends that the Waste Management Co-ordinating Committee format be amended so that elected representatives from all area Municipalities and the Region meet with the Staff Technical Committee at key intervals; and,
- (b) That the Regional Municipality of Hamilton-Wentworth and all area Municipalities be requested to appoint a political representative to meet with the Waste Management Co-ordinating Committee.
26. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) A-72 A By-law to Amend By-law No. 89-72 to Regulate Traffic
 - (b) A-73 A By-law to Amend By-law No. 89-72 to Regulate Traffic
 - (c) A-74 A By-law to incorporate city land designated as Block 31, on Plan 62M-710 into Appleblossom Drive
 - (d) A-75 A By-law to alter Centennial Parkway by extending the existing raised concrete median island on the north leg of the intersection of Barton Street and Centennial Parkway northerly by approximately 25 metres

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

1995 December 4

4 x 4's

<u>Name</u>	<u>Address</u>	<u># of Vehicles</u>	<u>Type</u>	<u>Rates</u>	
				95-96	96-97
Grecos	643-0151	3	Chev. - 8' Blade Ford - 8' Blade	\$49.00	\$51.00
Green Mountain	34 Arbutus Stoney Creek 560-4002	1	Chev. - 8' Blade	\$49.00	\$50.00
E. Woytkiw	2227 Rymal E. Stoney Creek 575-4100/578-9917	10	Dodge - 8' Blade Ford - 8' Blade Chev - 8' Blade	\$49.00	\$51.00
J.D.R. Tools	495 Arvin Stoney Creek 662-7064/662-5366	1	Ford - 8' 6" Blade	\$49.00	\$51.00
Mountainview	908 Ridge E. Stoney Creek 643-3612/643-1154	1	Ford - 8' Blade	\$49.00	\$51.00
Workman	849 Butter W. Ancaster 648-5521	1	Ford - 8' Blade	\$49.00	\$51.00
Battlefield	367 Hemlock Stoney Creek 662-3360/662-8015	1	Ford - 8' Blade	\$49.00	\$51.00

Appendix "A" as referred to in
Section 3 of the FIFTEENTH
Report of the Transport and
Environment Committee for 1995

Appendix "B" as referred to in
Section 15 of the FIFTEENTH
Report of the Transport and
Environment Committee for 1995

<u>Location</u>	<u>Municipal Address</u>	<u>Owner</u>	<u>Type of Encroachment</u>	<u>First Year/Annual</u>
Rosslyn Avenue South	153 Rosslyn Avenue South	Lisa Marie Vandervelde	Portion of Building .42m x 11.34m Bay Window 3.2m x .90m Air Conditioning Unit .76m x 1.84m Chimney .64m x 1.34m	138/20
Parkside Drive	2 Parkside Drive	Joan & Alan McArthur	Steps .46m x 1.42m	138/20
Mary Street	511 Mary Street	John & Catherine Dumond	Frame Stoop .91m x 4.13m	134/20
Fairleigh Avenue South	660 Main Street East	James & Audrey Bezemer	Portion of building 0.03m x 3.96m onto Fairleigh S.	138/20
Paling Avenue North	268 Paling Avenue North	Christopher David Petsche Sheryl Anne McIntee Thomas George Petsche	Wooden Steps 1.219m x 0.448m	138/20
East 31st Street	14 East 31st Street	Marilyn Joyce Cowie	Concrete Stoop .64m x 3.24m	138/20
Locke Street South	195 Locke Street South	Gerald Mastromatteo	Portion of House 12.954m x .152m Portion of House 3.20m x .610m	138/20
Hunter Street East	352-356 Hunter St. East	Bruno Megna I/T	2 Eaves each measuring .3m x 2.0m	138/20
Albert Street	31-43 Albert Street	Sacchetta Investments Limited	2 Concrete Steps .5m x 1.7m, Concrete Cellar Window Wells, onto Maplewood Avenue a - .35m x 1.5m b - .30m x 1.5m	138/20
Burlington Street East	144 Burlington Street East	David Laranjeiro Nunes Suzy Agostinho Nunes	Front steps .777m x 1.105m	138/20
Lorne Avenue	88 Maplewood Avenue	St. Peter's Hospital	2 lamp posts .33m in diameter concrete curb approx. 31.5m in linear length and .2m. in width	138/20

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **TWENTY-FIRST** Report for 1995 and respectfully recommends:

1. (a) That the West Harbourfront Development Study Final Report: A Vision for the Future be received by City Council and furthermore, wherein this report completes the mandate of the Steering Committee, it is recommended that the WHDS Steering Committee and its supporting Technical Advisory Committee be disbanded; and,
- (b) That under the direction of the Chief Administrative Officer (C.A.O.), a staff committee, with the assistance of staff of the Economic Development Department, be authorized to undertake a suitable degree of promotion of the development and investment opportunities associated with the West Harbourfront Precinct to the development community (local, national, international), and invite formal submissions of interest and/or development proposals in order to test the economic viability of redevelopment; and,
- (c) That a capital budget package prepared, submitted and referred to the Capital Budget Sub-Committee of the Management Team in the 1996-2005 Capital Budget Program for consideration for approved expenditures in 1996 by Parks and Recreation Committee to facilitate the preparation of material required to promote the development opportunities in the West Harbourfront Precinct be endorsed; and,
- (d) That this report be forwarded to the Region's Economic Development and Planning Committee for information and that the Region be requested to authorize staff of the Economic Development Department to assist City staff with promoting the project/concept to the development community (local, national, international); and,
- (e) That the C.A.O. report to City Council by November 1996 on the responses from the development community on their interest to invest and develop within the West Harbourfront Precinct; and,

- (f) That City Council authorize the Mayor to convey to the Government of Canada, Province of Ontario, and CN, the City's continued interest in advancing the opportunity of redevelopment of the West Harbourfront Precinct based upon the relocation of the CN marshalling yard and to request of affected parties that no action be taken that would compromise redevelopment opportunities during the time that formal expressions of interest for development are being sought from the private sector; and,
 - (g) That the C.A.O., be authorized to negotiate with CN to secure property for a pedestrian/bicycle trail across CN lands between Bayfront Park and the Desjardins Canal; and,
 - (h) That a capital budget package prepared, submitted and referred to the Capital Budget Sub-Committee of the Management Team in the 1996-2005 Capital Budget Program for consideration by Parks and Recreation Committee to construct a pedestrian bicycle trail from Cootes Paradise and Princess Point to Bayfront Park be endorsed; and,
 - (i) That the concept plan for the development of Bayfront Park be approved and that a capital budget package for the development of Bayfront Park prepared, submitted and referred to the Capital Budget Sub-Committee of the Management Team for consideration in the 1996-2005 Capital Budget Program by Parks and Recreation Committee be endorsed; and,
 - (j) That the proposed Special Events Guidelines prepared for Pier 4 Park and Bayfront Park should be put into effect for the 1996 festival season, and that conditions and requirements in these guidelines should be understood and met by applicants prior to issuing a Special Events Permit; and,
 - (k) That when a full site selection and needs study is undertaken for a multi-use sports complex, Eastwood Park be a candidate site among others within the West Harbourfront Precinct to be considered.
2. (a) That City Council reaffirm the position taken regarding the disposition of surplus public lands on Hamilton Beach by a previous term of Council in adopting Section 18 of the Eighth Report of the Parks and Recreation Committee on 1993 April 27; and,

- (b) That prior to submitting a formal request to the Provincial Government regarding the disposition of Conservation owned properties on Hamilton Beach, the Mayor be authorized to extend an invitation to the Honourable Chris Hodgson, Minister of Natural Resources, on behalf of the City of Hamilton and Hamilton Region Conservation Authority to review the "Selected Approach" as outlined in Appendix "A" attached hereto.
- 3.
 - (a) That staff be authorized and directed to negotiate the terms and conditions of the easement requested by the Region over 2.07 acres of Eastwood Park for a Combined Sewer Overflow (CSO) tank satisfactory to the Culture and Recreation, Public Works, Property and the Law Departments; and,
 - (b) That the Property Department report back to the Parks and Recreation Committee with the Region's Offer to Purchase.
- 4. That the City of Hamilton purchase Blocks 142 and 143, Plan 62-639 - Broughton Avenue (easement property) in the Broughton East Neighbourhood from Lillian Heights Development Inc. (C. Valeri) at a cost of \$1. plus the outstanding property taxes owed at a total cost not to exceed \$14,000.
- 5.
 - (a) That an Option to Purchase Agreement, duly executed by the signing officers of Dofasco Inc. on 1995 November 2 and scheduled to close on or before 1996 March 15 for vacant lands situated in the City of Hamilton composed of Part Lot 5, Concession 1 and Part Lot 9, Registered Plan 555, fronting on the south side of Beach Road, being a portion of Dofasco's existing irregular shaped parcel on the east side of the rail spur line, situated 200 metres (650 feet) more or less west of Ottawa Street North containing 0.085 hectares (0.21 acres) more or less, and known as part of No. 276 Beach Road, be approved and completed for consideration of \$2. and a charitable tax receipt reflecting the market value of the property; and,

That the Option to Purchase be subject to the following conditions:

- (i) The name of the park shall be mutually agreed upon by the Owner and the City; and,
- (ii) The subject parcel will be specifically described on a survey plan or Reference Plan prepared by the City at its expense prior to the closing of this transaction; and,

1995 December 12

- (iii) Schedule "B" of the Option to Purchase contains detailed conditions requiring that a soil test satisfactory to the City be obtained by the City at it's expense to ensure the property is free from environmentally dangerous material and the intended use of the property by the City could proceed without risk of harm or environmental treatment of the site. The Offer shall become null and void if the soil test obtained is not satisfactory; and,
- (b) That the \$2,000. estimated maintenance cost is presently unfunded and will require an adjustment to the 1996 Maintenance Budget of the Parks Division of Public Works; and,
- (c) That funding required for the erection of a chain link fence of approximately \$2,500., and for the cost of obtaining a soil test of the land being acquired estimated at \$3,000. be approved and charged to Account No. CH5X306 00201 (Reserve for Acquisition of Parklands).

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN F. EISENBERGER, CHAIRPERSON
PARKS AND RECREATION COMMITTEE

1995 December 5

Appendix "A" as referred to in
Section 2 of the TWENTY-FIRST
Report of the Parks and
Recreation Committee for 1995

Selected Approach - Hamilton Beach Project

1. That the Hamilton Region Conservation Authority (HRCA) be encouraged to finalize its property transfer arrangement with the Ministry of Transport Ontario thus increasing HRCA holdings on Hamilton Beach from approximately 25 acres to 35 acres[±].
2. That the HRCA transfer its land holdings on Hamilton Beach representing approximately 35 acres, including properties transferred from MTO, to the City at a nominal cost ie. \$2.00.
3. That the Director of Property undertake the sale of the properties deemed surplus to park and open space requirements in accordance with the approved Hamilton Beach Neighbourhood Plan, representing approximately 22 acres[±] and that subject to Provincial approval the HRCA be entitled to receive 50% of the net proceeds from each transaction this being the Provincial entitlement.
4. That the Provincial Government agree to forfeit its financial interest in the 13 acres[±] to be retained by the City to facilitate implementation of the open space component of the Beach Plan; this being considered the Provincial contribution toward the development of the park component of the Beach Project.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **TWENTY-THIRD** Report for 1995 and respectfully recommends:

1. (a) That approval be given to Subdivision Application 95-11 (Regional File No. 25T-95020), Vedemo Construction Ltd., owner, to establish a draft plan of subdivision "Bow Valley Estates", on lands located west of Donn Avenue and south of Highridge Avenue in the Riverdale East Neighbourhood, as shown on the attached map marked as Appendix "A" subject to the following conditions:
 - (i) That this approval apply to the plan, as revised in red, prepared by Ashenhurst Nouwens Limited and certified by John P. Nouwens, O.L.S., dated August 31, 1995, showing 36 lots for street townhouses, 6 blocks of land below the established top of bank and one street identified as Street "A", as shown on the attached map marked as Appendix "B".
 - (ii) That the Owner establish Street "A" to its full 18.0 m width and that these lands be conveyed to the City of Hamilton prior to registration of the final plan of subdivision. All works must be completed to the satisfaction of the Senior Director, Roads Department.
 - (iii) That all costs associated with intersection reconstruction of Bow Valley Drive and Highridge Avenue and the reconstruction work required on Bow Valley Drive, north of Highridge Avenue, be the responsibility of the Owner.
 - (iv) That the Owner receive all the necessary approvals required under the Municipal Act to alter Bow Valley Drive, north of Highridge Avenue and the intersection of Highridge Avenue and Bow Valley Drive prior to the development of any portion of these lands. All works must be completed to the satisfaction of the Senior Director, Roads Department.
 - (v) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (vi) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

- (1) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;
 - (2) That the Owner provide an inspection report prepared by a qualified professional engineer of all erosion and sediment control measures after each rainfall to the satisfaction of the Senior Director, Roads Department;
 - (3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
 - (4) That all disturbed areas be revegetated with permanent cover immediately following completion of construction.
-
- (vii) That the owner provide a 1.8 m high chain link fence to be located at the defined top of bank and that the fence be established prior to the development of the subject lands.
 - (viii) That the Owner, convey Blocks 1, 2, 3, 4, 5 and 6 to the City of Hamilton.
 - (ix) That Street "A" be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (x) That the Owner prepare and submit, to the satisfaction of the Director of Planning, a municipal street numbering plan.
 - (xi) That the final plan conform with the Zoning By-law approved under the Planning Act.
 - (xii) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan.
 - (xiii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (xiv) That the Owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.

- (xv) That the Owner enter into a subdivision agreement with the City of Hamilton, in order to satisfy all requirements, financial, engineering and otherwise, prior to the development of any portion of these lands.
- (xvi) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-95020), Vedemo Construction Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- (c) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.
- (d) That the approved Riverdale East Neighbourhood Plan be amended to add the public highway shown as Street "A" on the draft plan of subdivision upon Draft Plan Approval of the Plan of Subdivision.
- 2. (a) That approval be given to City Initiative 86-L, for a general text amendment to Zoning By-law No. 6593 to amend the definition of "sign, public notice" to include applications for draft plan of subdivision and applications for consent (severance) on the following basis:
 - (i) That Subsection 2(2)H(viea) of Zoning By-law No. 6593 be amended by deleting the existing definition of "sign, public notice" and replacing it with the following:

"sign, public notice" shall mean a sign containing content advertising that an application for an official plan amendment and/or an application for an amendment to Zoning By-law No. 6593 and/or an application for the approval of a plan of subdivision and/or an application for consent has been made, and that the application is, or applications are, being considered by the City of Hamilton."; and,
 - (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

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- (c) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
 - (d) That Council amend its existing policy regarding sign posting requirements for development applications to require that applicants post a sign advising that an application for approval of a draft plan of subdivision or an application for consent has been made. The sign posting requirements for a subdivision application can be combined with the sign for an official plan amendment and/or rezoning application.
3. That demolition control be applied and the Building Commissioner be authorized to issue a demolition permit for 30 Norfolk Street North, only where a building permit has been issued to erect a new building in accordance with the requirements of Zoning By-Law 6593 on the site of the residential property sought to be demolished.
4. That demolition control be applied and the Building Commissioner be authorized to issue a demolition permit for 23 Leland Street, only where a building permit has been issued to erect a new building in accordance with the requirements of Zoning By-Law 6593 on the site of the residential property sought to be demolished.
5. (a) That approval be given to Amended Zoning Application ZAC-95-25, Edward Richter, owner, requesting a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District for Blocks "1" and "2", and to modify the established "HH" (Restricted Community Shopping and Commercial) District for Block "3", to permit automobile-related commercial uses, for property located 1270 Upper James Street, as shown on the attached map marked as Appendix "C" on the following basis:
- (i) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;
 - (ii) That Block "2" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;
 - (iii) That the "HH" (Restricted Community Commercial and Shopping, etc.) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands (Blocks "1", "2" and "3"), be modified to include the following variances as special requirements:

- (1) That notwithstanding Section 14A.(1) of Zoning By-law No. 6593, auto body and fender repair in conjunction with automobile sales and/or rental shall be permitted;
 - (2) That notwithstanding Section 14A.(3)(b) of Zoning By-law No. 6593, no building or structure, except a fence, shall be permitted within 12.0 m of the westerly lot line of Block "1" and within 30.0 m of the northerly lot line of Block "1";
 - (3) That notwithstanding Section 18(3)(ivc)(b) of Zoning By-law 6593, a landscape planting strip having a minimum width of 6.0 m shall be provided and maintained along the westerly limits of Blocks "1" and "2";
 - (4) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the westerly limits of Blocks "1" and "2";
 - (5) That a minimum 6.0 m wide planting strip shall be provided and maintained along the easterly boundary of Block "3", except for any area used for driveway access; and,
 - (6) That a minimum 3.0 m wide planting strip shall be provided and maintained along the northerly boundary of Blocks "1" and "3", except for any area used for driveway access;
- (iv) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1351, and that the subject lands on Zoning District Map E-5 be notated S-1351;
- (v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council; and
- (vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the Kernighan Neighbourhood Plan be amended by changing the designation of the subject lands from "Neighbourhood Commercial" to "Commercial" upon finalization of the implementing By-law.

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6. (a) That the City's Loan Program under the Community Improvement provisions of the Planning Act now known as the "Commercial Loan Program" be renamed the Commercial Property Improvement Loan Program"; and,
- (b) That with respect to the following Community Improvement Project Areas, namely:

The Concession Street Community Improvement Project Area,
The Downtown Hamilton Community Improvement Project Area,
The International Village Community Improvement Project Area,
The Main Street West Community Improvement Project Area,
The Ottawa Street Community Improvement Project Area, and
The Westdale Village Community Improvement Project Area.

revisions to the City's Loan Programs in each Area, (attached hereto and marked as Appendix "D"), be approved (pursuant to the Community Improvement provisions of the Planning Act); and,

- (c) That the Public Works & Traffic Department hold a public meeting and take other steps required by the Planning Act in order that the said revisions may be adopted by By-law to amend the Loan Program provisions of the Community Improvement Plans for each of these Community Improvement Project Areas.

7. That the City Treasurer be directed to close the following Capital Project accounts with any excess funding to be transferred to its original source of funding:

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/ Committed To Date	Balance Available	Source of Funding
428603003	Downtown Action Plan-Phase III	\$1,300,000.	\$1,299,999.82	\$.18	Debenture

8. (a) That the 1995 operating budget for The International Village B.I.A. (attached as Appendix "E") be approved in the amount of fifty-four thousand dollars (\$54,000.); and,
- (b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1996 budget as referenced in (1) above; and,

- (c) That the following schedule of payments for 1996 be approved:

January 01	\$27,000.
September 01	\$27,000.

NOTE: 1995 levy arrears will be deducted from the payments for 1996.

9. (a) That the 1996 operating budget of the Ottawa Street B.I.A. (attached as Appendix "F") be approved in the amount of fifty-nine thousand, seven hundred and eighty dollars(\$59,780.00); and,
- (b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1996 budget as referenced in (a) above; and,
- (c) That the following Schedule of Payments for 1996 be approved.

January 01	\$14,945.00
March 01	\$14,945.00
June 01	\$14,945.00
September 01	\$14,945.00

NOTE: 1995 Levy arrears will be deducted from the payments for 1996

10. (a) That the Downtown Hamilton B.I.A.'s request to utilize \$7,142. of the Commercial Improvement Program monies towards the Sesquicentennial Downtown Mural Project be approved and recovered from account number CF 5698 428705006; and,
- (b) That the International Village B.I.A.'s request to utilize \$7,142. of the Commercial Improvement Program monies towards the Sesquicentennial Downtown Mural Project be approved and recovered from account number CF 5698 428705005.
11. That the Ottawa Street B.I.A.'s request for the purchase and installation of poles and banners under the Commercial Improvement Program be approved at an estimated cost of \$44,000. to be recovered from account number CF 5698 428705004.
12. (a) That the operating budget of the Downtown Hamilton B.I.A. (attached as Appendix "G") be approved in the amount of eighty-four thousand dollars (\$84,000.); and,

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- (b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1996 budget as referenced in (1) above; and,
- (c) That the following Schedule of Payments for 1996 be approved:

January 01	\$21,000.
March 01	\$21,000.
June 01	\$21,000.
September 01	\$21,000.

Note: 1995 levy arrears will be deducted from the payments for 1996.

13. (a) That the 1996 operating budget of the Barton General B.I.A. (attached as Appendix "H") be approved in the amount of six thousand dollars (\$6,000.); and,
- (b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1996 budget as referenced in (1) above; and,
- (c) That the following Schedule of Payments for 1996 be approved:

January 01	\$1,500.
March 01	\$1,500.
June 01	\$1,500.
September 01	\$1,500.

NOTE: 1995 Levy Arrears will be deducted from the payments for 1996.

14. (a) That the 1996 operating budget of the Main Street West Esplanade B.I.A. (attached as Appendix "I") be approved in the amount of three thousand dollars (\$3,000.); and,
- (b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1996 budget as referenced in (1) above; and,

- (c) That the following Schedule of Payments for 1996 be approved:

January 01	\$750.
March 01	\$750.
June 01	\$750.
September 01	\$750.

NOTE: 1995 levy arrears will be deducted from the payments for 1996.

15. That the Building Commissioner be authorized to issue demolition permits, in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended, as follows:

44 Tisdale Avenue North
263 West 18th Street

16. That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny, in part, Application No. A-95-221, respecting property located at No. 6 Sandlyn Court.
17. (a) That the membership composition of the Property Standards Sub-Committee be increased from 3 to 5; and,
- (b) That the City Solicitor be authorized to prepare the necessary amendment to By-law No. 94-185, a By-law to prescribe standards for the maintenance and occupancy of property.
18. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) C-60 By-law to Amend Zoning By-law No. 6593 Respecting Land Located at Municipal No. 1275 Upper James Street.
- (b) C-61 By-law to Adopt Official Plan Amendment No. 132 Respecting Lands Located at the North-West Corner of Upper Wentworth Street and Emperor Drive.
- (c) C-62 By-law to Amend Zoning By-law No. 6593 Respecting Lands Located at the North-West Corner of Upper Wentworth Street and Emperor Drive.

1995 December 12

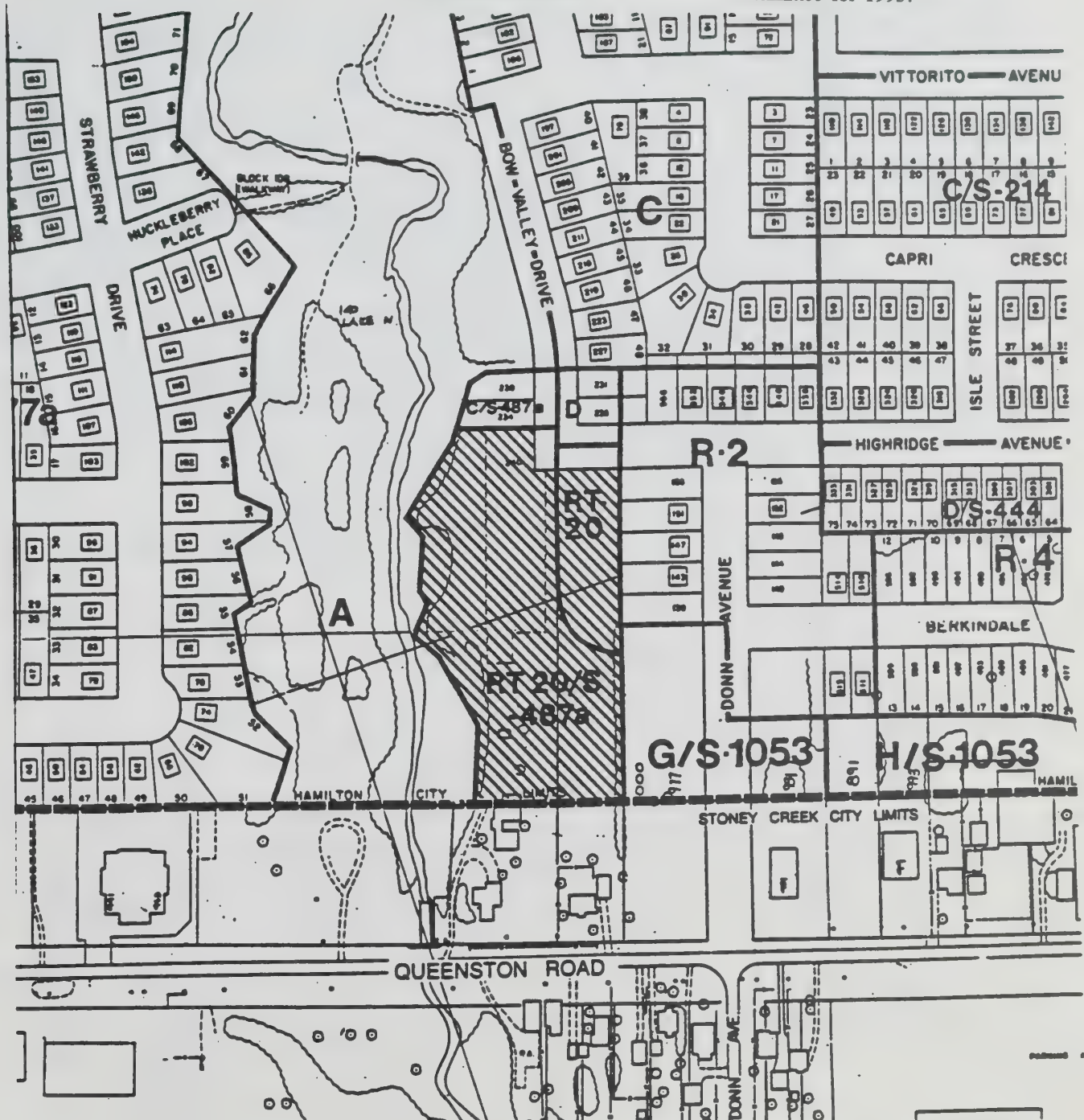
- (d) C-63 By-law to Amend By-law No. 94-185 Respecting the Property Standards By-law.

Respectfully submitted,

**ALDERMAN D. DRURY, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE**

**Tina Agnello, Secretary
1995 December 6**

1995 December 12



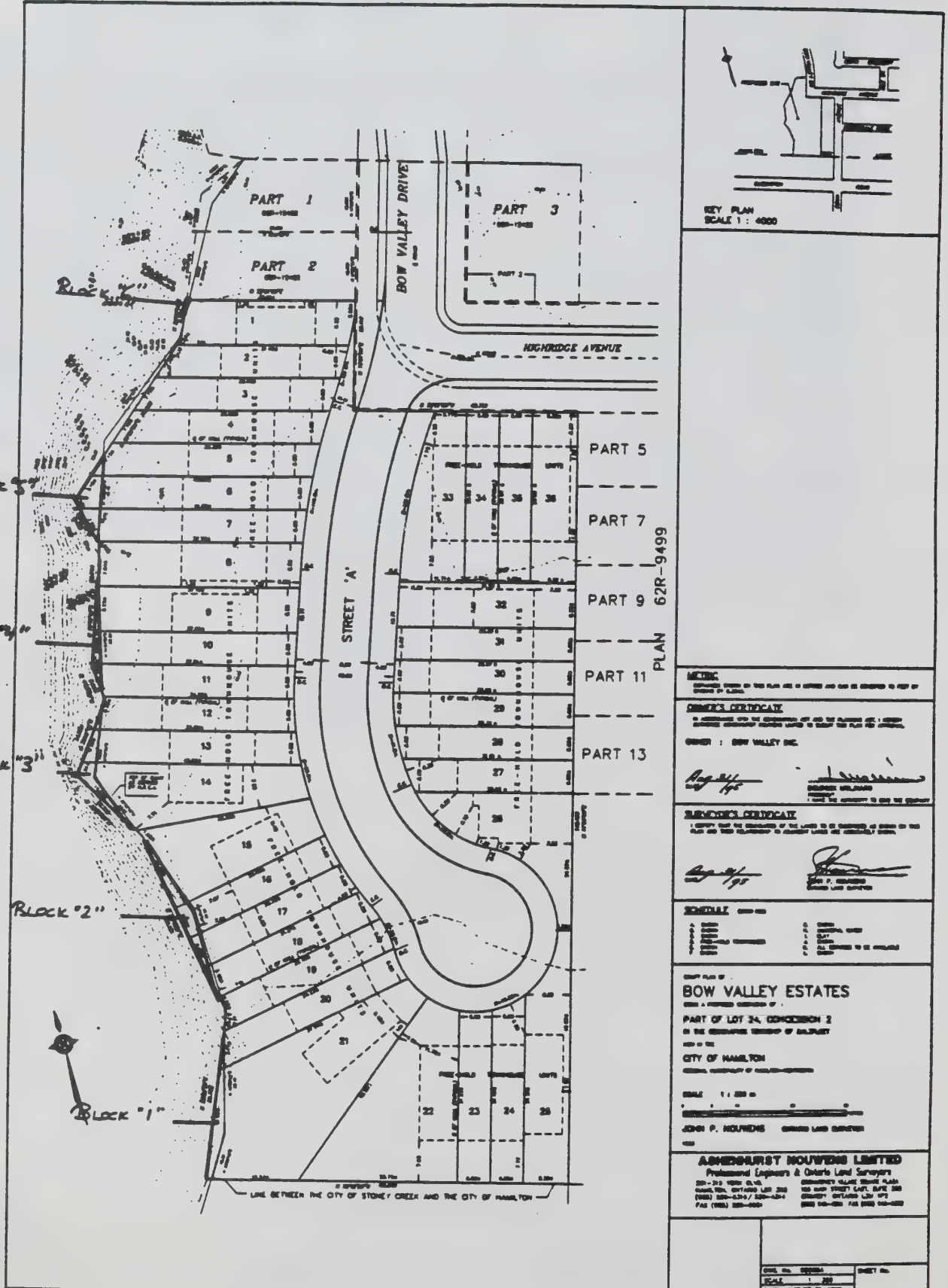
Legend



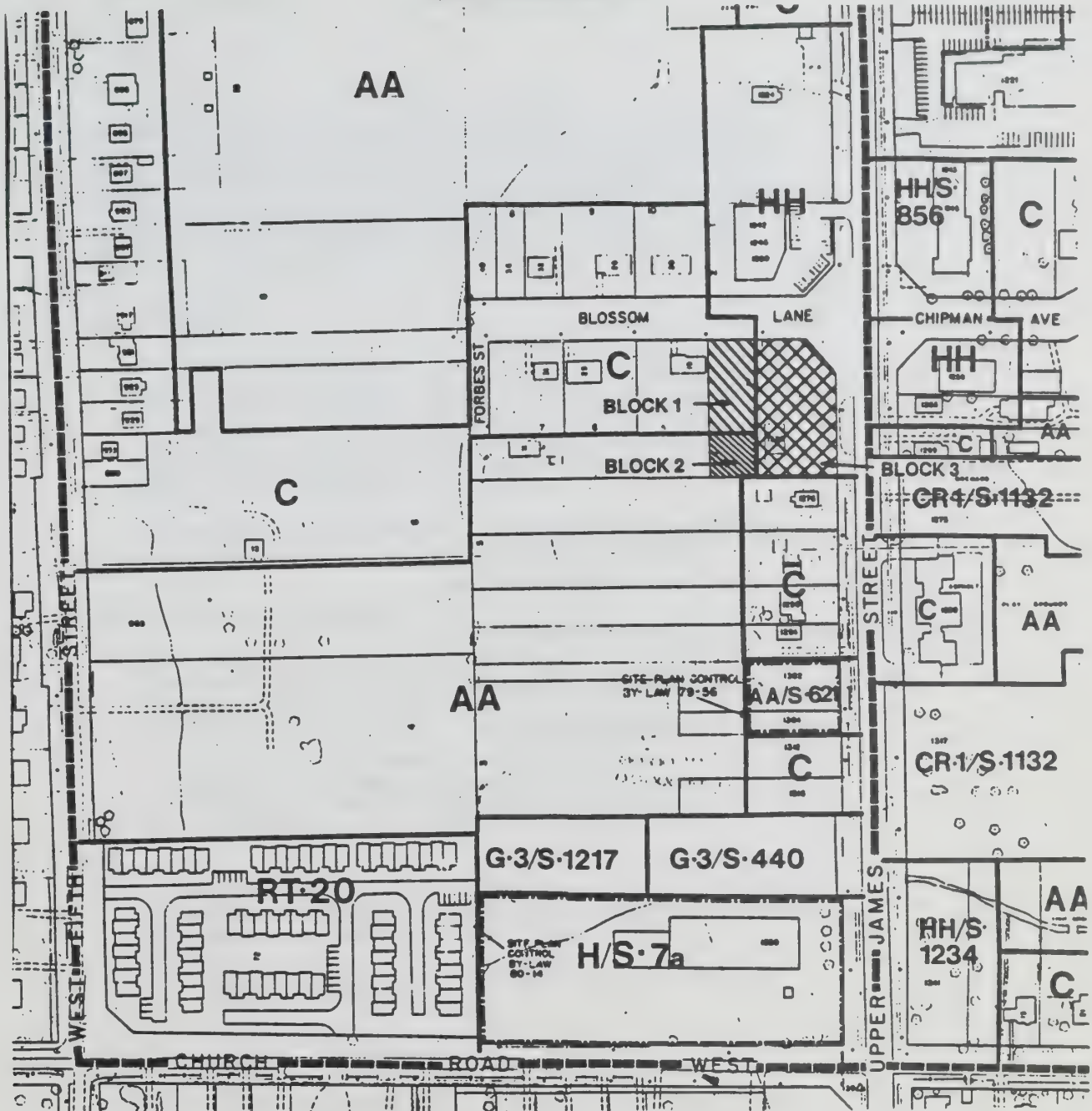
Site of the Application



1995 December 12






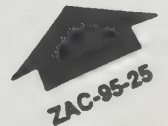
1995 December 12



Legend

Proposed change in zoning :

- | | | |
|---------|---|--|
| BLOCK 1 |  | "C" (Urban Protected Residential, etc.) District to
"HH" (Restricted Community Shopping and Commercial) District. |
| BLOCK 2 |  | "AA" (Agricultural) District to "HH" (Restricted Community
Shopping and Commercial) District. |
| BLOCK 3 |  | Modification to the established "HH" (Restricted Community
Shopping and Commercial) District. |



1995 December 12

**PROPOSED REVISIONS TO THE
CONCESSION STREET, DOWNTOWN HAMILTON,
INTERNATIONAL VILLAGE, MAIN STREET WEST,
OTTAWA STREET AND WESTDALE VILLAGE
COMMUNITY IMPROVEMENT PLANS**

1995 November 24
Public Works and Traffic Department

The Community Improvement Plans adopted by Council for the Concession Street, Downtown Hamilton, International Village, Main Street West, Ottawa Street and Westdale Village Community Improvement Project Areas (hereinafter referred to as the "Community Improvement Plans",) are intended to be revised by the following additional provisions, which additional provisions shall prevail in the event of any conflict with the terms of the original Plans. Prior to adoption of these proposed revisions by bylaw, the procedures required by the Planning Act, including a public meeting, shall be held.

1.0 GENERAL

For the purpose of carrying out the Community Improvement Plans, The Corporation of the City of Hamilton may make loans to the registered owners or assessed owners of lands and buildings within the Community Improvement Project Areas of the said Community Improvement Plans, to pay for the whole or any part of the cost of the community improvement of any such lands, including the cost of rehabilitating such lands and buildings in conformity with the said Community Improvement Plans and upon the following additional terms and conditions.

Loans are available only to the extent of funds allocated from time to time for those purposes by the Council of The Corporation of the City of Hamilton.

2.0 REVISED LOAN GUIDELINES

- 2.1 Upon receipt of a satisfactory application which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at an interest rate of one half of the City's prime borrowing rate, amortized for a maximum period of ten years.

The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice or penalty.

- 2.2 These loans are solely intended for the owners of lands within the said designated Community Improvement Project Areas where the owners' lands are used for non-residential commercial purposes which, in the opinion of the City,

- (a) are intended for the eligible improvements and expenses contemplated in the said Plans as amended herein;
- (b) fulfil the objectives of the City expressed in the said respective Community Improvement Plans, as amended herein;
- (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.

- 2.3 While businesses which are tenants are not, according to the Planning Act, eligible for loans provided for in the said Plans as amended herein, loans to eligible property owners for improvements which will also benefit business tenants are provided for in these Plans.

- 2.4 Loans may be made to an owner of a non-residential commercial property not exceeding the sum of \$15,000. in respect of the cost of eligible facade and exterior renovations to each separate location of the owner's property specially assessed or specially assessable for a levy payable to the Board of Management of the applicable Business Improvement Area, (namely, the Concession Street, Downtown Hamilton, International Village, Main Street West, Ottawa Street or Westdale Village "Business Improvement Areas" Board of Management", as the case may be). These loans are subject to a maximum limit of \$45,000. (3 units, \$15,000. each) for each deeded property of the owner per twelve month period from the date of Council approval of the last previous loan(s).
- 2.5 Loans may be made to an owner of a non-residential commercial property not exceeding the sum of \$10,000. in respect of the cost of eligible interior improvements to each separate location of the owner or of a tenant under lease from the owner, specially assessed or specially assessable for a levy payable to the Board of Management of the applicable Business Improvement Area, (namely, the Concession Street, Downtown Hamilton, International Village, Main Street West, Ottawa Street or Westdale Village "Business Improvement Areas" Board of Management", as the case may be) subject to,
- (a) a loan maximum of \$30,000. for each deeded property of the owner per twelve month period from the date of Council approval of the last previous loan(s); and,
 - (b) the tenant, if any, accepting in writing the proposed interior improvements.
- 2.6 Loans may be for the following types of improvements and their related expenses:
- exterior building envelope;
 - major building systems, including roof, wiring, plumbing, heating;
 - interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - exterior/interior signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200.;
 - such other loan program administrative fees fixed by Council from time to time.

Loans shall be advanced only in respect of completed work which has been inspected by the City.

Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.

- 2.7 The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department. Deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
- 2.8 The owner will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.
- 2.9 A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.

2.10. As security for repayment of the loan made by the City, the borrower shall:

- (a) give the City a promissory note and, if a limited company, the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the corporate borrower to borrow the loan and give the loan security to the City;
- (b) consent to a City Lien being registered on title to the property being improved in which the property owner must have at least 20% equity, after covering outstanding property encumbrances, not including the amount of the City's loan;
- (c) where an owner has less than 20% equity in the property being improved,
 - (i) the owner may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor; and
 - (ii) the owner may provide the City with a guarantee from another person, provided the guarantee is secured by a mortgage on the Guarantor's property that meets the City's equity requirements and the Guarantor's lawyer prepares and certifies the guarantee and the collateral mortgage to the City, at the owner's expense, in a form satisfactory to the City Solicitor;
- (d) keep in good standing business taxes, realty taxes and B.I.A. levies.

2.11 Upon sale of the property improved by the loan, the loan/lien is due and payable in full to the City unless the new owner of the property meets the lending criteria and assumes the original terms and conditions of the loan.

Upon sale of a property which secures by a collateral mortgage repayment of a loan, the loan is due and payable in full to the City.

1995 December 12

COMMERCIAL PROPERTY IMPROVEMENT LOAN PROGRAM (CPILP)
(formerly Commercial Loan Program)
ESSENTIAL LOAN CRITERIA SUMMARY (Revised November 7, 1995)

The Commercial Property Improvement Loan Program (CPILP) provides municipal financial assistance to improve commercial buildings in Business Improvements Areas (B.I.A.'s) in the City of Hamilton.

There are two types of improvements to commercial buildings covered by CPILP. Exterior improvements and interior improvements. Applicants who undertake the renovations themselves are only eligible to receive cost of materials (substantiated by receipts).

Interior Improvements:

- wiring, plumbing, heating;
- interior fixtures, including partitions;
- interior decorating, including lighting, painting, wallpaper, etc;
- built-in showcases, freezers, special plumbing, etc;
- interior signage;

Exterior Improvements:

- exterior building envelope;
- major building systems, including roof;
- exterior signage.

Who Is Eligible to Apply:

Exterior Portion:

Only owners of the subject building are eligible to apply.

Interior Portion:

Owners of the subject building carrying out a business in the building are eligible to apply. If they have leased the premises to a tenant who is carrying out a business or who is in process of commencing a business, the owner may also apply for the interior portion. Currently, tenants are not eligible to apply, although, under proposed legislation, the City of Hamilton is seeking Provincial approval to permit tenants to receive loans for the interior portion.

Maximum Loan Amounts:

An assessable unit means a business location that is deemed eligible to pay a B.I.A. levy.

Exterior:

\$15,000 per assessable unit to a total of \$45,000 (3 units) per deeded property of the owner.

Interior:

\$10,000 per assessable unit to the total of \$30,000 (3 units) per deeded property of the owner.

If an applicant has previously received a loan or loans totalling \$75,000 from this program, the borrower is not eligible to be considered for any further loans until 12 months have elapsed from the date of Council approval of the most recent loan.

1995 December 12

Appendix "E" referred
to in Section 8(a) of the
TWENTY-THIRD Report of the
Planning and Development
Committee for 1995.

INTERNATIONAL Village

APPROVED
~~PROPOSED~~ BUDGET
1 9 9 6

King Street East
between Wellington
and Mary

	<u>1995 Actual</u>	<u>1996 Proposed</u>
OPERATIONS:		
Rent	\$2,500.	\$3,500.
Utilities	1,900.	1,900.
Telephone	1,300.	1,000.
Supplies	1,714.	1,200.
Bank Charges	350	400.
	<u>\$7,764.</u>	<u>\$7,500.</u>
WAGES:		
Executive Director	*\$13,834.	\$20,000.
Wage Costs	<u>1,418.</u>	<u>2,300.</u>
	\$15,252	\$22,300.
Insurance	\$1,262.	\$1,300.
Audit	300.	400.
Advertising/Promo		
Print	\$1,915.	\$2,500.
Radio	00.	1,500.
Promo**	<u>3,994.</u>	<u>4,500.</u>
	\$7,471	\$10,200.
Allowance		
Uncollected Levies	\$16,044.	***\$14,000.
	<u>\$53,160.</u>	<u>\$54,000.</u>

* Exec. Director wages reduced from August to December
by 50% to reflect loss of Federal Job Grant.

** Promotion includes banner installation, removal, maintenance,
as well as Christmas pole decorations, installation, removal
and maintenance.

*** Reported from Treasury, Sept. 9/95 that the uncollected
levies for 1995 assessment is \$12,835.90.

1995 December 12

OTTAWA STREET B.L.A.

PROPOSED 1996 BUDGET

ADVERTISING

	CHRISTMAS	\$3500.00	
	SUMMER FEST	\$4500.00	
	2 X PROMOTIONS	\$3500.00	\$11500.00

CONTINGENCY FUND

\$21500.00

BEAUTIFICATION:

GARBAGE REMOVAL	\$1200.00	
BANNERS & POLES	\$1500.00	\$ 2700.00

OFFICE EXPENSES

ADMINISTRATION	\$1200.00	
PRINTING	\$2500.00	
RENT	\$1500.00	
TELEPHONE	\$1000.00	\$ 7000.00

OFFICE FACILITATOR

WAGES & BENEFITS	\$14500.00
------------------	------------

** INCREASE FOR
FACILITATOR
APPROVED BY
GENERAL
MEETING

\$ 2580.00

TOTAL

\$59780.00

1995 December 12

Appendix "G" referred
to in Section 12(a) of the
TWENTY-THIRD Report of the
Planning and Development
Committee for 1995

DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA (B.I.A.)

APPROVED 1996 BUDGET

General Administration	\$35,000.
Committee Fund	\$25,000.
Special Projects	\$10,000.
Reserve	\$14,000.

TOTAL	\$84,000.
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1995 December 12

BARTON GENERAL BUSINESS IMPROVEMENT AREA
APPROVED 1996 BUDGET

Street Festival	\$2,300.
Advertising	\$1,000.
Special Events	\$1,000.
Meeting Expenses	\$ 500.
Insurance	\$ 700.
Contingency Fund	\$ 500.
TOTAL	\$6,000.

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**MAIN WEST ESPLANADE B.I.A.
APPROVED 1996 BUDGET**

Christmas Decorations	\$1,800.
Insurance	\$ 500.
Auditor	\$ 400.
Meeting Cost	\$ 300.
	<u>\$3,000.</u>

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTY-NINTH** Report for 1995 and respectfully recommends:

1.
 - (a) That the request from Grey Cup 1996 Hamilton Inc. for an advance of \$200,000. from the City's approved balance of \$1,410,000. of the total allocation of \$1,520,000. for the 1996 Grey Cup Festival to cover the ongoing expenses of the Festival Corporation, be approved; and,
 - (b) That the funds for this advance be derived from the 1996 Grey Cup Festival Account Centre Number CF 259555020; and,
 - (c) That prior to consideration for a request for the remaining balance of the approved allocation a detailed business plan for the Grey Cup Festival will be submitted by the Festival Corporation no later than 1996 March 31st; and,
 - (d) That the Grey Cup Festival Corporation will present a report on expenditures for the period ending 1995 December 31st to the 1996 January meeting of the Finance and Administration Committee.
2.
 - (a) That the City resolve Ontario Court (General Division) Action # 8887/95 by the payment to the Plaintiff, Heather Marratt, of the sum of \$1,500., inclusive of all claims for damages, interest and costs; and,
 - (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Action # 8887/95 be dismissed without costs.
3.
 - (a) That the City decline the Plaintiff's offer to settle Ontario Court (General Division) Small Claims Court Action No. 4324/94 for the amount \$4,000., inclusive of all damages, interest and costs; and,
 - (b) That the City make a counteroffer to the Plaintiff to settle Ontario Court (General Division) Small Claims Court Action No. 2127/94 in the following terms:

- (i) That the City pay to the Plaintiff Jean Howarth, the amount of \$2500., inclusive of all claims for damages, interest and costs; and,
 - (ii) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (iii) That Ontario Court (General Division) Small Claims Court Action No. 4324/94 be dismissed without costs.
- 4.
 - (a) That the City resolve Ontario Court (General Division) Small Claims Court Action No. 3753/95 by the payment to the Plaintiff, Canadian Pacific Limited, of the sum of \$488.10, inclusive of all damages, interest and costs; and,
 - (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Small Claims Court Action No. 3753/95 be dismissed without costs.
- 5. That the City support the request from the tenants of 606 Aberdeen Avenue to direct funds identified under the rent attornment proceeding for payment of outstanding utility bills, less the City's legal expenses, in order to maintain the operation of that building, provided a full accounting of funds held in trust for the City by the tenants is rendered and specific invoices from Hamilton Hydro and Union Gas are received in advance.
- 6. That outstanding Business Taxes in the amount of \$412,671.26 be written off in accordance with Section 441 of the Municipal Act, R.S.O. 1990 and charged to Account CH53401 24106, Tax Write-offs.
- 7. That outstanding Accounts Receivables and Rents Receivables totalling \$39,577.03 be written off and charged to Account CH 15401 00001.
- 8. That as referred to in Section 13 of the Fourteenth Report for 1995 of the Transport and Environment Committee and approved by City Council on 1995 November 28, the City's share of servicing San Lorenzo Heights - Phase 1 Subdivision at an estimated cost of \$53,319., be financed from the Account Centre No. CH 00107 - Reserve for Services Through Unsubdivided Lands.

9. That as referred to in Section 2 of the Fifteenth Report for 1995 of the Transport and Environment Committee, the Commissioner of Public Works and Traffic be authorized to prepare an appropriate By-Law in a form satisfactory to the City Solicitor to construct a concrete alley first south of Hunter Street from Bay Street to approximately 83.5m westerly under the Local Improvement Act at an estimated cost of \$48,000. with the City's share of \$35,060.49 to be financed from the 1995 Capital Levy (Account Centre No. CH 22002) and the balance of \$12,939.51 being the owner's share to be financed by the issuance of debentures for a period not to exceed 20 years. It is further recommended that application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the amount of \$12,939.51 for a term not to exceed 20 years for the above project.
10. That as referred to in Section 21 of the Fifteenth Report for 1995 of the Transport and Environment Committee, the City's share of constructing sidewalks on Wingate Place in Wheten Court Subdivision at an estimated cost of \$19,100., be financed from the Account Centre No. CH 00107 - Reserve for Services Through Unsubdivided Lands.
11.
 - (a) That Section 12 of the Fourteenth Report of the Finance and Administration Committee respecting "Offer to Purchase - 775 Upper Wentworth Street, Elite Realty Corp." be amended by extending the closing date from 1995 December 15 to 1996 February 15, with all other terms and conditions remaining the same and time continuing to remain of the essence; and,
 - (b) That the City Solicitor be authorized and directed to take appropriate action in dealing with this matter.
12.
 - (a) That the following properties be declared surplus to the requirements of the City in accordance with the Realty Sales Procedural By-law 95-049:
 - (i) 5 foot strip of land between 459 and 465 Bay Street North
 - (ii) 188 Cavell Avenue
 - (iii) 1717 Upper James Street
 - (iv) Three residential building lots on the S/E corner of Stone Church Road East and DiCenzo Drive
 - (b) That the Property Department be authorized to proceed to sell these properties in accordance with the Realty Sales Procedural By-law.
13. That the 1996 invoice for \$94,396. (plus GST) from Dunn and Bradstreet Software be authorized for payment from Account CH 5609X-26021 (User Software).

14. That the Listing of Appointments to and Terminations from Permanent Positions with the Corporation of the City of Hamilton to 1995 November 24, attached herewith and marked Appendix "A", be approved.
15.
 - (a) That the amendment to the Roofers Provincial Collective Agreement, Local 537, be received pursuant to the Fair Wage Policy of the Corporation of the City of Hamilton; and,
 - (b) That the Fair Wage Schedule be amended to reflect this change.
16.
 - (a) That the amendment to the International Brotherhood of Electrical Workers, Local 105, be received pursuant to the Fair Wage Policy of the Corporation of the City of Hamilton; and,
 - (b) That the Fair Wage Schedule be amended to reflect this change.
17. That the brass slide rail removed 13 years ago during the demolition of the Sanford Avenue Fire Station, be donated to the Firefighters Drum Corps Inc. to be used within their new practice facility building on Dartnall Road, Hamilton, which is soon to be ready for occupancy.
18.
 - (a) That applicants for new licences listed on the schedule attached herewith and marked Appendix "B", be required to submit a plot plan satisfactory to the Building Department and obtain a zoning verification from the Building Department before a licence application is processed by the City Clerk's Department; and,
 - (b) That applications for licence renewals and transfers be exempt from providing a plot and zoning verification; and,
 - (c) That the City of Hamilton Licensing By-law 93-069 be amended accordingly.
19.
 - (a) That the Second Level Lodging House By-law 80-259 be amended to provide for the following:
 - (i) The deletion of the requirement for the Medical Officer of Health to carry out monthly inspections; and,
 - (ii) To require the Medical Officer of Health to carry out inspections and file reports on the inspections and operation of each Second Level Lodging House with the Licensing Committee, as often as are reasonably necessary; and,

- (b) That the City Solicitor be authorized and directed to prepare the necessary by-law amendments.
20. (a) That the following procedure be implemented for the collection of rental arrears in excess of one (1) month at the Hamilton Farmers' Market:
- (i) Step One: That the stallholder in arrears be forwarded a letter from the Market Manager by registered mail and hand delivery requesting payment of the total arrears within ten (10) days of receipt of the letter or arrangements acceptable to the Market Manager made for payment; and,
 - (ii) Step Two: If payment is not received within ten days of receipt of the letter referred to in Step One or if the payment arrangements agreed to with the Market Manager are not honoured by the stallholder in arrears, that a further letter be sent from the Manager of Administrative Services, City Clerks Department by registered mail and hand delivery advising that a recommendation for a one week suspension from the Hamilton Farmers' Market will be forwarded to the City Clerk; and,
 - (iii) Step Three: If payment of the arrears is not received or acceptable arrangements for payment made, that a one week suspension from the Hamilton Farmers' Market of the stallholder and their employees be implemented by the City Clerk; and,
 - (iv) Step Four: If after the one week suspension, payment of the arrears is still not made, that a recommendation for termination of contract be forwarded to the Finance and Administration Committee by the City Clerk; and,
- (b) That Section 2 of the Hamilton Farmers' Market Contract be amended to read:
- "2. To pay the fee referred to above monthly in advance by depositing with the Market Manager twelve postdated monthly cheques at the time of executing this contract, on the understanding that this contract may be terminated if the fees are in arrears in excess of one month.."

21. (a) That the following additional lighting requests submitted by the respective stallholders in the total amount of \$4,514. for the Hamilton Farmers' Market be approved:

Elmira Purveyors, Stand No's 97-100, lower 1 fixture, add 2 fixtures	- \$ 659.
Flower Cart, Stand No. 163, add 3 fixtures	- \$1,154.
Josie's Flowers, Stand No's 166-167, add 2 fixtures, move 1 fixture	- \$1,019.
Susie's Plants, Stand No's 161-162, add 3 fixtures	- \$ 555.
Lesley's Flowers, Stand No's 169-171, add 1 fixture, move 2 fixtures	- \$ 295.
Sam's Meat and Cheese, Stand No's 16,21-22, move 1 fixture	- \$ 85.
Chapman's, Stand No's 23-24, add 2 fixtures	- \$ 537.
Agro's Fish, Stand No. 12, add 1 fixture	- \$ 210.

- (b) That the following additional lighting requests submitted by the respective stallholders in the total amount of \$5,589. for the Hamilton Farmers' Market not be approved:

Four Seasons Produce, Stand No's 87-89, add 1 fixture	- \$ 135.
Spera's Produce, Stand No. 91, add 1 fixture	- \$ 135.
Lesley's Flowers & Temple's Florist, Stand No's 169-175, add 5 fixtures	- \$1,423.
Under the ramp, Stand No's 101-111, add 12 fixtures	- \$2,255.
Bentford Orchards, Stand No's 77-79, add 2 fixtures	- \$ 377.
Angela's Deli, Stand No's 68-70, add 4 fixtures	- \$1,104.
Newport Fish, Stand No. 18, move 2 fixtures	- \$ 160.

- (c) That the additional cost of \$4,514. be financed from the 1995 Energy Management Projects account No. CF 319541003.

22. (a) That the City accept authority from the Provincial Offences Court to commence collection of outstanding fines under the Planning Act, the Building Code, Provincial Offences Act, and By-laws (not including parking infractions); and,
- (b) That the City Solicitor execute the Letter of Understanding, attached herewith and marked Appendix "C" with the Provincial Offences Court on behalf of The Corporation of the City of Hamilton; and,

- (c) That the outstanding fines be collected in the best financial interests of the Corporation, through procedures which include:
 - (i) Examination of debtors in aid of execution; and,
 - (ii) Filing writs of seizure and sale; and,
 - (iii) Sale of real and personal property; and,
 - (iv) Garnishment of debts payable to the debtor, which include bank accounts.

- 23. (a) That the City agree to indemnify and save harmless, the Hamilton-Wentworth Housing Authority with respect to Fire Department use of the building at 30 Sanford Avenue South for high level rope rescue training purposes; and,
- (b) That the City enter into an Indemnity Agreement with the Hamilton-Wentworth Housing Authority, in form and content satisfactory to the City Solicitor, with a term of no more than two years.

- 24. That the actions of the Chief Administrative Officer in receiving \$10,000. U.S. Funds from the Firan Corporation as a donation for Hamilton Sesquicentennial Celebrations Inc. and directing the City Treasurer to write a cheque for Canadian Funds equivalent of this amount to Hamilton Sesquicentennial Celebrations Inc. be endorsed.

- 25. (a) That the City of Hamilton loan \$25,000. to the Organizing Committee for the 1996 C.P.W.A. Conference and Exposition to be held in Hamilton from 1996 June 9 - 12 at the Convention Centre and Copps Coliseum. The loan is to be used as seed money to deal with the up front costs of organizing such a Conference and Exposition; and,
- (b) That the Organizing Committee repay the loan of \$25,000. at the conclusion of the Conference and Exposition; and,
- (c) That funds for this loan be charged to the Reserve for Contingencies account centre 00115.

1995 December 12

26. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) D-81 A By-law to Amend By-law No. 95-090 respecting 1995 Debenture Projects and Amounts.
 - (b) D-82 A By-law to Amend By-law No. 94-095 regarding 1994 Debenture Projects and Amounts.
 - (c) D-83 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1995 December 5**

Appendix "A" referred to in Section 14 of the TWENTY-NINTH Report of the Finance and Administration Committee for 1995.

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. Gil Desjarlais	I	Deputy Chief (E)	Fire	Replacing Mr. G. Smith - promoted Sept. 30/95	\$72,475.00 to \$85,343.44	Dec. 13/95

Prepared November 24, 1995

Status
Internal - I
External - E

THE CORPORATION OF THE CITY OF HAMILTON
TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. Paul Beltrano	Truck Driver	Public Works	Terminated	11 years, 10 months	Sept. 1995

Prepared November 24, 1995

Glossary of Terms

Terminated -- long term disability
 -- discharge
 -- downsizing
 -- redundant

Resigned -- personal betterment
 -- personal reasons

Places of Amusement

- Billiards
- Public Hall
- Bingo Hall
- Roller Skating Rink

Eating Establishments

- Lunch Counter
- Restaurant
- Restaurant, Take Out

Flea Market

Garages

- Garage A - Auto Sales
- Garage B1 - Mechanical Repairs and Bodywork
- Garage B2 - Mechanical Repairs
- Garage B3 - Bodywork
- Garage C - Gas Pumps
- Garage D - Parking Lot
- Garage E - Car Wash

Lodging House

Second Level Lodging House

1995 December 12

PROVINCIAL OFFENCES ACT

CIVIL ENFORCEMENT

LETTER OF UNDERSTANDING

Appendix "C" referred
to in Section 22 of the
TWENTY-NINTH Report
of the Finance and
Administration
Committee for 1995.

(Date)

The Court Administrator
Provincial Offences Court
(Address)

Dear Sir/Madam:

I have been instructed by the Council of the Corporation of the _____ of _____ (or its Clerk, Chief Administrative Officer, etc.) to inform you that it is the intention of the Corporation to utilize the civil enforcement provisions of the Provincial Offences Act in order to attempt to collect certain fines imposed by the Provincial Offences Court which are in default, and which under the pertinent statutes are payable to the Corporation.

It is understood that the Corporation will ascertain the fines which have gone into default by inquiring at the court office. The Corporation will request the court office to extract these files and to present them to a justice. If necessary, an employee of the City will appear before the justice to establish that the Corporation is by law entitled to the fine, that the Corporation by one of its employees acted as prosecutor of the particular offence, and that the employee who requests the justice to direct the clerk to proceed with civil enforcement has been duly authorized by the Corporation to do so.

If the justice directs the clerk to proceed with civil enforcement in any case, the Corporation will accept the certificate of default for filing in the civil court of competent jurisdiction. The Corporation will file the certificate of default on behalf of the clerk of the Provincial Offences Court as soon as is reasonably practicable. It is understood that the Corporation will be responsible for all fees and expenses incurred in the course of attempting to collect the fine, including any fees which may be required for filing a certificate of payment under subsection 68(3) of the Act with the civil court or the sheriff.

The Corporation intends to utilize all reasonable methods of collecting the fine which are likely to result in payment within a reasonable time in the circumstances. The Corporation further undertakes to inform the court office of the progress of attempts to collect the fine at intervals of not less than six months, calculated in the first instance from the date on which the clerk issued the certificate of default.

The Corporation understands that all funds on account of the fine which are recovered by the sheriff or the clerk of the court of competent jurisdiction, as the case may be, including the fees and costs incurred by the Corporation in the civil court, will be remitted to the clerk of the Provincial Offences Court. An endorsement on the certificate of default will specify that payment is to be made to the Provincial Offences Court. After deducting any costs ordered to be paid by the Provincial Offences Court, the clerk will disburse the net proceeds to the Corporation. The Corporation also agrees that if money is paid voluntarily to the Corporation by the defaulter, the Corporation will transmit the funds to the civil court in which the certificate of default was filed, to be dealt with as outlined above.

The Corporation further understands that, when the fine has been paid in full, the Corporation will, upon request, inform the clerk of the name and location of the court of competent jurisdiction in which the certificate of default was filed, and also advise the clerk whether the municipality has filed a writ of seizure and sale with the sheriff of the particular county or district, in order that the clerk may file a certificate of payment in respect of each fine which has been paid in full.

The Corporation understands that although it has commenced the civil enforcement process in respect of any particular fine a justice of the Provincial Offences Court can at any time issue a warrant of committal in accordance with the provisions of section 69 of the Provincial Offences Act.

(signature)

(This letter should be signed by an officer of the Corporation or its solicitor.)

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1995 DECEMBER 12
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

BY-LAW NO. 95 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 25 (Parking Time Limits)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Brantdale	North	Cloverhill to Glenwood	1hr	8 am - 6 pm	Mon - Fri
Burton	North	Wentworth to a point 114 feet east of Cheever	3hr	8 am - 6 pm	Mon - Sat."

and by deleting therefrom the following items, namely:-

"Burton	North	Wentworth to Cheever	3hr	8 am - 6 pm	Mon - Sat."
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2. **Schedule 26 (No Parking Areas)** is hereby amended by adding thereto the following items, namely:-

"Burton	North	Cheever to a point 114 feet easterly therefrom	Anytime
Northgate	West	commencing at the southerly end and extending to a point 45 feet northerly therefrom	Anytime
Norway	East	Maplewood to Afton	Anytime
Hunter	South	commencing at a point 65 feet west of John and extending to a point 196 feet westerly therefrom	Anytime."

3. **Schedule 27 (Alternate Side Parking)** is hereby amended by adding thereto the following items, namely:-

"Norway Avenue	West	East."
Cumberland Avenue to Afton Avenue		

and by deleting therefrom the following item, namely:-

"Norway Avenue	West	East."
Cumberland Avenue to Maplewood Avenue		

4. **Schedule 34 (Sticker Permit Parking)** is hereby amended by adding thereto the following items, namely:-

"Norway	West	Maplewood to the south property line of number 54 Norway	Anytime
Mary	West	commencing at a point 135 feet south of Wood and extending to a point 20 feet southerly therefrom	Anytime
Hunter	North	commencing at a point 101 feet east of James and extending to a point 31 feet easterly therefrom	Anytime"

and by deleting therefrom the following item, namely:-

"Hunter	North	78 feet east of James to a point 46 feet easterly therefrom	Anytime."
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5. Schedule 24 (Parking Meter Locations) is hereby amended:

(a) by adding to **Section 5 (15 Minute Limit)** the following item, namely:-

"Hunter	North	James to John."
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(b) by deleting from **Section 3(b) (1 Hour Limit)** the following items, namely:-

Hunter	North	James to Hughson
Hunter	North	John to Hughson."

PASSED this day of A.D. 1995.

CITY CLERK

MAYOR

BY-LAW NO. 95 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 10 (Stops at intersections)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Shynal	Northbound	Morley
Tate	Northbound	Morley."

2. **Schedule 29 (No Stopping Areas)** is hereby amended by adding thereto the following items, namely:-

"Pottruff	West	Gardenia to a point 156 feet northerly	Anytime
Moxley	West	Carson to a point 48 feet northerly	Anytime
Hunter	North	Hughson to a point 50 feet westerly	Anytime
Hunter	North	Hughson to a point 53 feet easterly	Anytime
Hunter	South	commencing at a point 276 feet east of James and extending to a point 143 feet easterly therefrom	Anytime."

and by deleting therefrom the following item, namely:-

"Hunter	South	John to James	Anytime."
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3. **Schedule 28 (Taxi Stands)** is hereby amended by adding thereto the following item, namely:-

"Hunter	South	75 feet	132 feet east of James	Anytime."
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4. **Schedule 30 (Commercial Vehicle Loading Zones)** is hereby amended by adding thereto the following item, namely:-

"Hunter	South	68 feet	208 feet east of James	Anytime."
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MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 95-

**TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 31, ON PLAN 62M-710
INTO APPLEBLOSSOM DRIVE**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate a portion of the highway known as Appleblossom Drive within its limits, the land described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Appleblossom Drive.

All of Block 31, Plan 62M-710

City of Hamilton
Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open the said lands as a public highway.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this

day of

A.D. 1995

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 95-

TO ALTER CENTENNIAL PARKWAY BY EXTENDING THE EXISTING RAISED CONCRETE MEDIAN ISLAND ON THE NORTH LEG OF THE INTERSECTION OF BARTON STREET AND CENTENNIAL PARKWAY NORTHERLY BY APPROXIMATELY 25 METRES.

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of the Municipal Act, Revised Statutes of Ontario, 1990, Chapter M.45, and amendments thereto, to establish and layout, widen, alter, divert, stop-up, close or sell any highway or part of a highway;

AND WHEREAS this portion of highway known as Centennial Parkway is a local road under the jurisdiction of The Corporation of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 22 of the 12th Report of the Transport and Environment Committee on October 10, 1995 authorized that steps be taken in accordance with the Municipal Act to advertise Notice of the City's intention to alter Centennial Parkway as hereinafter described;

AND WHEREAS Notice of the City's intention to pass this By-law to authorize the said alteration has been published as required by Section 300 of the Municipal Act for four (4) consecutive weeks in The Spectator, a newspaper having general circulation in the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard no matter whether in objection to or in support of this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

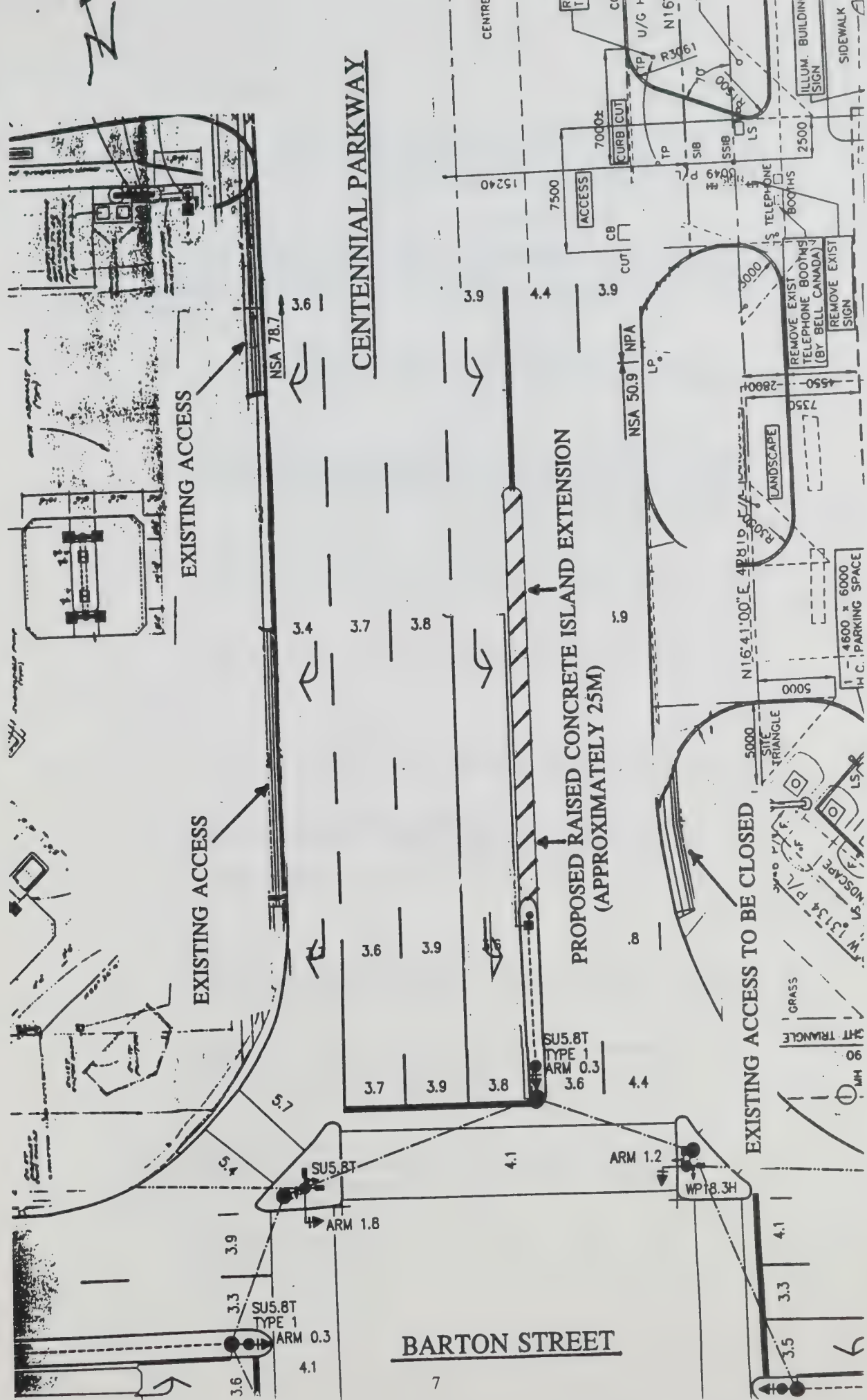
1. That the alterations be approved and carried out on Centennial Parkway to extend the island within the travelled portion of the highway on the north leg of the intersection of Barton Street and Centennial Parkway, northerly by approximately 25 metres, as illustrated in Schedule "A" attached hereto.
2. That the Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City of Hamilton, all contracts necessary for the construction of the said works.

PASSED this day of , 1995.

CITY CLERK

MAYOR

(1994) 8 R.T.E.C.42, May 10
65-2/94.2



The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 1275 UPPER JAMES STREET

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-9c of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "CR-1" (Community-Residential) District, modified to "HH" (Restricted Community Commercial and Shopping) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "HH" (Restricted Community Commercial and Shopping) District provisions, as contained in Section 14A of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 18(3)(ivc)(b) of Zoning By-law 6593, a landscape planting strip having a minimum width of 6.0 m shall be provided and maintained along the easterly limits of the "HH" District where they abut the residential district to the east; and,
- (b) a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the easterly limits of the "HH" District where they abut the residential district to the east; and,
- (c) notwithstanding Section 14A(3)(a) of Zoning By-law No. 6593, a front yard depth of at least 24 metres shall be provided and maintained for any building; and,

- (d) a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the entire westerly lot line, except for any area used for driveway access.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1349.

5. Sheet No. E-9c of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1349.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

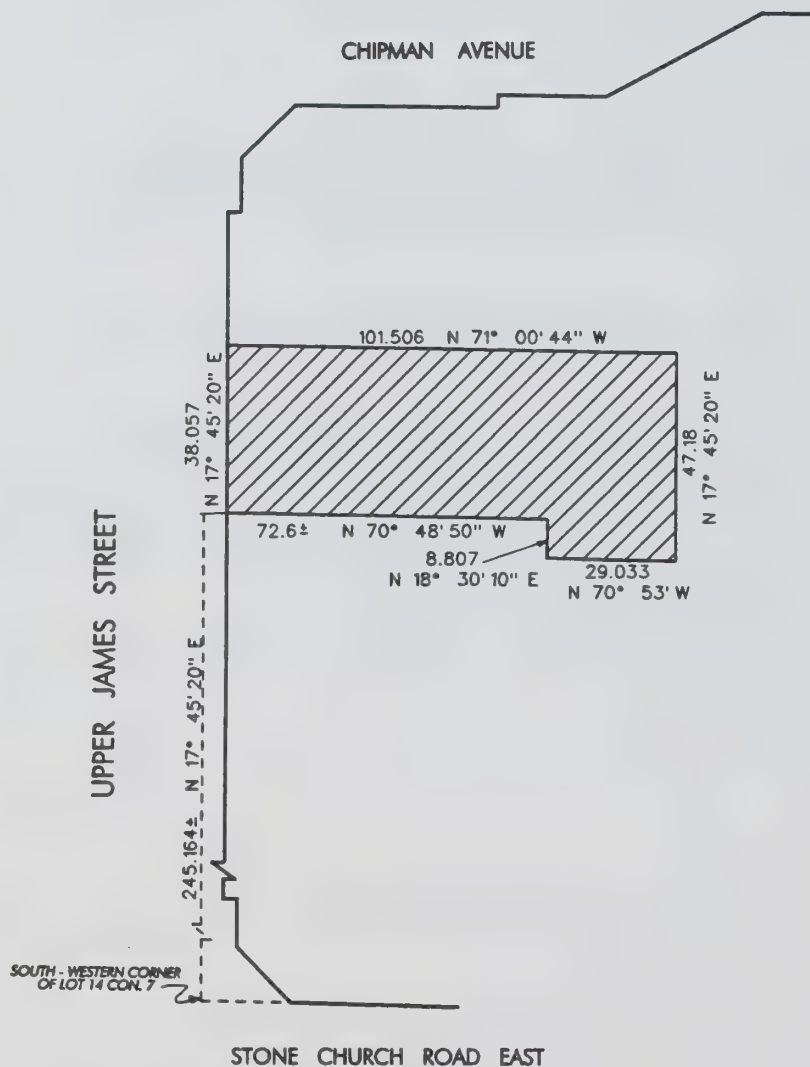
day of

A.D. 1995

CITY CLERK

MAYOR

(1995) 19 R.P.D.C. 1, October 10
Hampshire Properties Inc., Owner
ZAC-95-23



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 95-.....
Passed the day of, 1995.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 95-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in zoning from:



"CR-1" (Commercial-Residential) District,
Modified to "HH" (Restricted Community
Commercial and Shopping, etc.) District,
Modified.

North



Scale
Not to Scale

Date
OCTOBER 1995

Reference File No.
ZAC-95-23

Drawn By
R.L.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Adopt:

Official Plan Amendment No. 132

Respecting:

**LANDS LOCATED AT THE NORTH-WEST CORNER OF UPPER WENTWORTH
STREET AND EMPEROR DRIVE**

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 132 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this day of

A.D. 1995

CITY CLERK

MAYOR

(1995) 19 R.P.D.C. 2, October 10
Wellington Chase Inc. (J. Parente), Owner
ZAC-95-15

Amendment No. 132

to the

City of Hamilton Official Plan

The following text, together with Schedules "A" and "B-2", attached hereto, constitutes Official Plan Amendment No. 132.

Purpose:

The purpose of this Amendment is to redesignate the subject lands, located at the northwest corner of Upper Wentworth Street and Emperor Drive, from "Commercial" to "Residential", and delete that portion of "Special Policy Area 23" applicable to the subject lands, to permit single family residential building lots.

Location:

The lands affected by this Amendment are located on the northwest corner of Upper Wentworth Street and Emperor Drive, within the Barnstown Neighbourhood.

Basis:

The basis for permitting single family residential development on the subject lands are as follows:

- 1) The proposed single family residential development would be compatible with existing single family areas located to the north and west of the subject lands; and,
- 2) There are other areas designated and zoned for commercial use in the vicinity, including blocks at the northwest and southeast corners of the Barnstown Neighbourhood, and a large commercial area located at the northeast corner of Upper Wentworth and Rymal Rd.

Actual Changes:

- 1) Schedule "A" - Land Use Concept of the Official Plan be revised by redesignating the subject lands from "Commercial" to "Residential", as shown on the attached Schedule "A" of this Amendment; and,
- 2) Schedule "B-2" - Other Special Policy Areas be revised by deleting the subject lands from Special Policy Area 23, as shown on the attached Schedule "B-2" of this Amendment.

Implementation:

A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 95- , passed on the day of , 1995.

**The Corporation of the
City of Hamilton**

City Clerk

Mayor

schedule A **amendment no. 132**

to the
official plan
for the
city of hamilton

legend

area to be changed from
"Commercial" to
"Residential"

date
Oct. 1988

drawn by
F.A.

reference to the
OPM 132

Lake Ontario

DEFERRED NO D-6
UNDER SECTION 14(3) OF
THE PLANNING ACT

land use concept

legend

- residential
- commercial
- industrial
- open space
- open water
- major institutional
- utilities
- cemetery park, etc.
- local park, etc.
- environmental
- per numbers
- sub regional centre

schedule A
to the official plan
for
the city of hamilton

may 1988



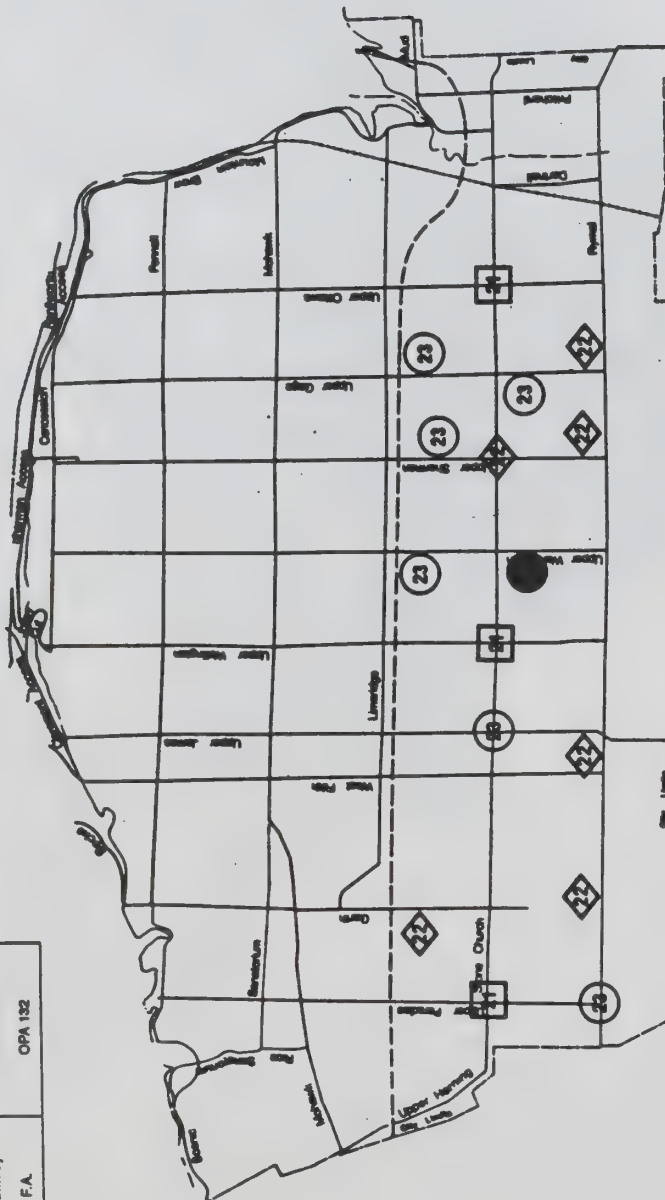
schedule B-2 amendment no.132

to the
official plan
for the
city of hamilton

legend

area to be deleted from
Special Policy Area 23

date	drawn by	reference file no.
Oct. 1995	F.A.	OPA 132



other special
policy areas

legend



refer to policy A.2.2.8 (iii)
and D.2.5(x)(a)
refer to policy A.2.2.8 (iv)
and D.2.5(x)(b)
refer to policy A.2.2.8 (v)
and D.2.5(x)(c)

schedule B-2

to the official plan
for
the city of hamilton

JUNE 30, 1990

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED AT THE NORTH-WEST CORNER OF UPPER WENTWORTH
STREET AND EMPEROR DRIVE**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982. as amended by Official Plan Amendment No. 132, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by the Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Section 4, 17, and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-18D of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "G-1" (Designed Shopping Centre) District, to "C" (Urban Protected Residential, etc.) District.

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

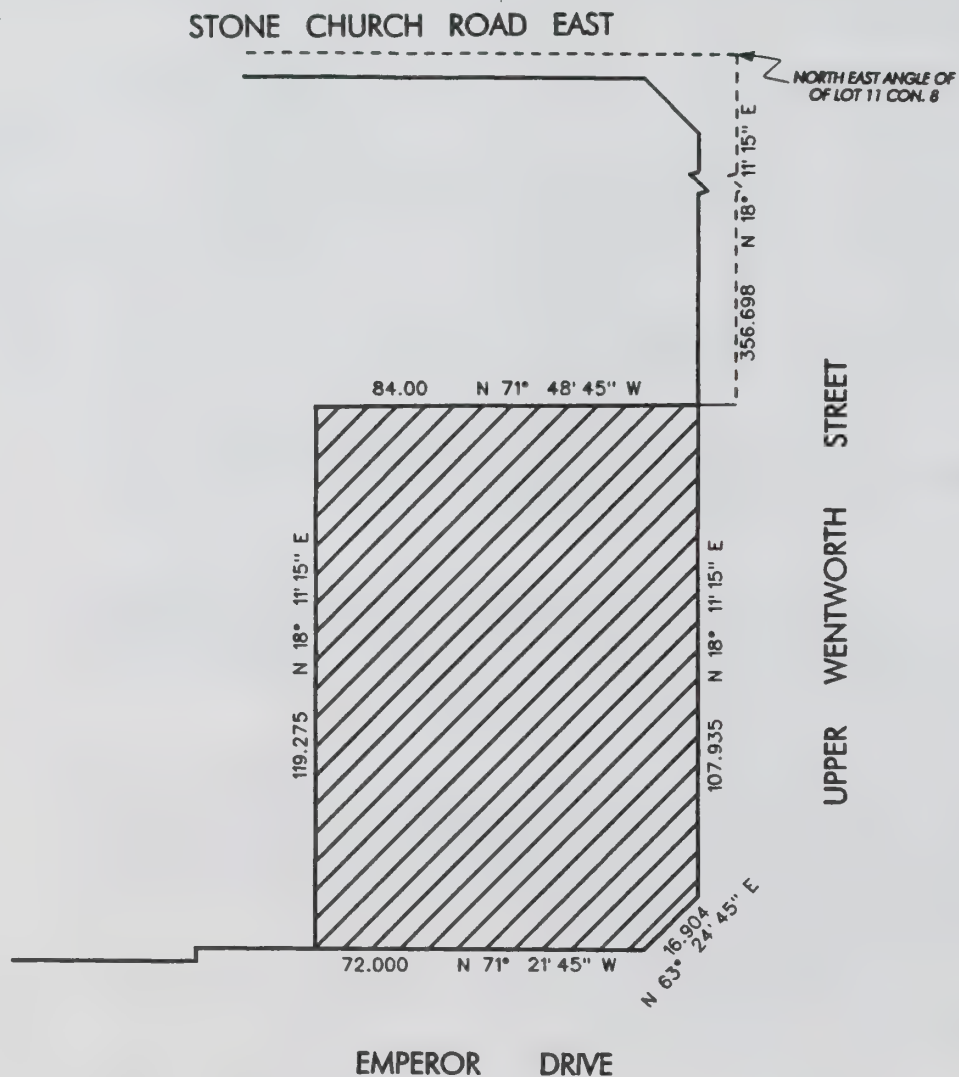
PASSED this day of

A.D. 1995

CITY CLERK

MAYOR

(1995) 19 R.P.D.C. 2, October 10
Wellington Chase Inc. (J. Parente), Owner
ZAC-95-15



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 95-.....
Passed the day of, 1995.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 95-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in zoning from:



"G-1" (Designed Shopping Centre)
District, to "C" (Urban Protected
Residential, etc.) District.

North



Scale
Not to Scale

Date
OCTOBER 1995

Reference File No.
ZAC-95-15

Drawn By
R.L.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend

By-law No. 94-185

Respecting

THE PROPERTY STANDARDS BY-LAW

WHEREAS By-law 94-185 continued the Property Standards Committee which consists of three persons.

AND WHEREAS City Council, on December 12, 1995, authorized an increase in the number of members of the Property Standards Committee to five members.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection (2) of Section 40 of By-law No. 94-185 is repealed and replaced with the following:
- 40(2) The Property Standards Committee for the City of Hamilton shall consist of 5 ratepayers of the City to be appointed by Council for an initial two year term to December 31, 1997, and thereafter for terms of 3 years. The members of the Committee shall hold office until their successors have been appointed. Any vacancy on the Committee shall be filled forthwith by Council.

PASSED this day of , 1995.

CITY CLERK

MAYOR

\BYLAW\PROPSTDS

BY-LAW NO. 95 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 12TH DAY OF DECEMBER A.D., 1995.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 12th day of December A.D. 1995

CITY CLERK

MAYOR

URBAN/MUNICIPAL
CAY ON HBL AOS
A31
1995



URBAN MUNICIPAL

DEC 18 1995

GOVERNMENT DOCUMENTS

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, 1995 December 12
7:30 o'clock p.m.
Council Chambers, City Hall**

**J. J. Schatz
City Clerk**

A G E N D A

- 1. National Anthem.**
- 2. Opening Prayer: Rev. Doctor John A. Johnston,
Minister Emeritus of MacNab Presbyterian Church**
- 3. PRESENTATION Cheque in the amount of \$5,000 from the Ontario Film
Development Corporation to the Fountain Foundation**

**Presenters will be Gail Thompson, David Beland
Donna Zukhlinski Fountain Foundation
Kim Cole and Karen Tyrell**
- 4. Adoption of the minutes of the meeting held 1995 November 28.**
- 5. Correspondence\Petitions**
- 6. Reports of the Standing Committees:**
 - (a) Transport and Environment Committee**
 - (b) Parks and Recreation Committee**
 - (c) Planning and Development Committee**
 - (d) Finance and Administration Committee**
- 7. Notices of Motion for next meeting.**
- 8. Question Period.**
- 9. Adjournment.**

MINUTES

Minutes of Hamilton City Council
Tuesday, 1995 November 28
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Copps, Wilson,
Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross.

Mayor Morrow called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Reverend Father Bohdan Hladio, St. Vladimir Ukrainian Orthodox Church led Council in prayer.

ADOPTION OF MINUTES

The minutes of the meeting held 1995 November 14 were adopted as circulated.

PRESENTATIONS

Milton Lewis, Co-Chair, Vincenza Travale, Co-Chair, Carmen Rizzotto, Executive Director, gave City Council a Sesquicentennial Update. Blaine the Artist, Walter Zatylny of Stirling Print-All & Creative Services and Sesqui the Mascot were also recognized for their contributions.

* * * * *

Mayor Morrow presented Mr. Russ Weil with a medallion in recognition of his being the recipient of the 1995 Hamilton Arts Award.

* * * * *

Margaret MacGillivray of The Friends of the Hamilton Public Library presented mugs to the Members of City Council and extended a thank you to City Council for their support of the Hamilton Public Library.

CORRESPONDENCE

1. Letter dated 1995 October 14 from Bay Area Restoration Council, Mark Sproule-Jones, President re: Hamilton Waterfront Park.

Referred to the Parks and Recreation Committee.

2. Letter dated 1995 November 20 from Peter Georgakopoulos, 1050 Rymal Road East, Hamilton, Ontario for a further modification to the "M-12 (Prestige Industrial) District regulations for lands located at No. 1050 Rymal Road East, Hamilton, Ontario

Received.

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Nominating Committee be considered in Committee of the Whole with Alderman Ross in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Copps, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - FOURTEENTH REPORT

PARKS AND RECREATION COMMITTEE - TWENTIETH REPORT

PLANNING & DEVELOPMENT COMMITTEE - TWENTY-SECOND REPORT

FINANCE & ADMINISTRATION COMMITTEE - TWENTY-EIGHTH REPORT

Section 5 Re: Preparation of By-law to repeal By-law No. 9429 respecting the expropriation of certain lands.

It was moved by Alderman Charters and seconded by Alderman Collins that Section 5 of the Twenty-Eighth Report for 1995 of the Finance and Administration Committee be amended to add the following words after the word "lands":

".... in the area bounded by The Queen Elizabeth Way, Grays Side Road, Queenston Road and No. 20 Highway in connection with Sewers and Watercourses". **CARRIED.**

* * * * *

Section 12 Re: 752413 Ontario Limited and Champions Fitness Limited - Rental Rate - Copps Coliseum

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, McCulloch, Drury, Morelli, Wilson, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -13.

NAYS: Aldermen Kiss, Copps, Eisenberger. -3. **CARRIED.**

NOMINATING COMMITTEE - SEVENTH REPORT

MOTION FROM PREVIOUS MEETING

(November 14, 1995)

It was moved by Alderman Collins and seconded by Alderman Charters

WHEREAS Section 45 of the Ontario Municipal Act provides for the filling of a vacancy on a municipal council by the appointment of a qualified person by the municipal council, and

WHEREAS Section 46 of the Ontario Municipal Act permits a municipal council to fill a vacancy on a municipal council by the holding of a by-election provided the vacancy occurs prior to March 31 of an election year, and

WHEREAS By-Elections cost on average \$50,000 per ward which could be better allocated to other municipal purposes for the benefit of all taxpayers, and

WHEREAS Participation in by-elections by the electorate is very low in comparison to general municipal elections indicating limited interest in by-elections, and

WHEREAS Public response to the calling of the most recent by-election in the City of Hamilton was very negative, and

WHEREAS Additional qualified persons may run for municipal office in general municipal elections if a city policy was in place guaranteeing the third place finisher in a ward election appointment to City Council in the event of a vacancy occurring between general elections.

NOW THEREFORE Be it resolved that the City Council of the City of Hamilton give serious consideration to adopting a policy of appointing the respective third place finisher when a vacancy occurs for the office of Alderman in a ward between general elections.

* * * * *

It was moved by Alderman Agro and seconded by Alderman Morelli that the Notice of Motion respecting adopting a policy of appointing the third place finisher in a general election when a vacancy occurs for the Office of Alderman in a ward between general elections be referred to the Finance and Administration Committee. **CARRIED.**

ACTING MAYOR FOR THE MONTH OF DECEMBER, 1995

It was moved by Alderman Kiss and seconded by Alderman Caplan that Alderman B. Morelli be appointed Acting Mayor for the month of December, 1995. **CARRIED.**

ADOPTING THE REPORTS OF THE COMMITTEE OF THE WHOLE

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the Nominating Committee and resolutions be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Copps, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 9:05 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1995 November 28
JJS/dg

CORRESPONDENCE

Correspondence:

1. Letter dated 1995 December 4 from R. Scott Smith, Secretary to the Board of Commissioners, The Hamilton Harbour Commissioners Re: Five Year Capital Budget.

Recommendation: **Be Referred to the Finance and Administration Committee.**

2. Application dated 1995 November 29 from Harley Knight, Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified for lands located at the rear of No. 371 Rymal Road East, Hamilton, Ontario.

Recommendation: **Be Received.**

3. Application dated 1995 December 4 from Metropolitan Hamilton Real Estate Board, Hamilton, Ontario for a further modification to the established "Lmr-2" (Planned Development - Multiple Residential) District regulations for lands located at No. 39-41 Devonport Street, Hamilton, Ontario.

Recommendation: **Be Received.**

4. Application dated 1995 December 6 from Peter Zourntos et. al for an Official Plan Amendment to delete Special Policy Area No. 46 and for a change in zoning from "G-4" (Designed Neighbourhood Shopping Area) District, modified to "HH" (Restricted Community Shopping and Commercial) District, for lands located at No. 30 Rymal Road East, Hamilton, Ontario.

Recommendation: **Be Received.**

605 James St. N.
Hamilton, Ontario, Canada
L8L 1K1

Phone Numbers
Hamilton 905-525-4330
Inwats 1-800-263-2131

Fax Numbers
Administration 905-528-6282
General Office 905-528-6554



The Hamilton
Harbour
Commissioners

December 4, 1995

Mr. Joseph Schatz
City Clerk
The Corporation of the City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir,

Enclosed for your information is a copy of The Hamilton Harbour Commissioners' Five (5) Year Capital Budget of projected major expenditures for future Harbour development, equipment and improvements.

Yours truly,
THE HAMILTON HARBOUR COMMISSIONERS

R. Scott Smith
Secretary to the Board of Commissioners

RSS:ah
Encls.

OFFICE OF THE CITY CLERK	
DEC 06 1995	
REC. BY. <i>JS</i>	DATE
REF'D. TO	DATE
REF'D. TO	DATE
REF'D. TO	DATE
ACTION: <i>FOR CITY COUNCIL</i>	
<i>CC. TREASURER</i>	

THE HAMILTON HARBOUR COMMISSIONERS
PROJECTED CASH FLOW
1996 TO 2000

(IN MILLIONS OF DOLLARS)

SOURCE OF FUNDS :

Working Capital - Dec. 31,1995	1.50	
Investments - Dec. 31,1995	9.00	
Income before Depreciation (5 x 3.0)	15.00	

TOTAL SOURCE OF FUNDS		25.50

USE OF FUNDS :

Purchase and Development of Fixed Assets (per 5 year budget)	29.76	
Repayment of Long-term Debt (5 x 0.05)	0.25	

TOTAL USE OF FUNDS		30.01

EXCESS, (DEFICIT) OF FUNDS - Dec. 31, 2000		(4.51)
		=====

Brought to the attention
of the Board at a meeting
held 29/11/95 +
approved

[Signature]

THE HAMILTON HARBOUR COMMISSIONERS

FIVE YEAR CAPITAL BUDGET

(CURRENT YEAR DOLLARS)

DESCRIPTION	SUMMARY						FIVE YEAR TOTAL
	TOTAL PROJECT COST	1996	1997	1998	1999	2000	
Eastport Development	19.597	1.719	1.945	2.760	2.450	3.993	12.867
Capital Improvements and Major Maintenance	17.724	3.848	3.285	2.050	2.275	2.200	13.658
Equipment	3.233	0.286	0.930	0.401	0.521	1.095	3.233
	40.554	5.853	6.160	5.211	5.246	7.288	29.758

Brought to the attention
of the Board at a meeting
held 29/11/95 +
approved

[Signature]

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **FIFTEENTH** Report for 1995 and respectfully recommends:

1. (a) That the by-law to alter the north leg concrete island at the intersection of Centennial Parkway and Barton Street be passed and enacted; and,
(b) That the Commissioner of Transportation\Environmental Services, or his agents, be authorized and directed to carry out the works once all the necessary approvals have been obtained.
2. (a) That the construction of a concrete alley first south of Hunter Street from Bay Street to approximately 83.5m westerly, proceed as a local improvement pursuant to Section 12 of The Local Improvement Act at an estimated gross cost of \$48,000. with a City's Share of \$35,060.49 and an Owner's Share of \$12,939.51 provided the owners of No. 136 Bay Street South and No. 121 Hunter Street West commute a portion of the Owner's Share for Nos. 130 and 132 Bold Street apportioned on a frontage basis as follows: No. 136 Bay Street South - \$776.33 and No. 121 Hunter Street West - \$806.48, and the remaining portion of the Owner's Share (\$375.29) be added to the Owner's Share for No. 120 Bay Street South (City-owned) all as provided in the 1995 portion of the 1995 - 2004 Capital Budget; and,
(b) That the Finance and Administration Committee be requested to recommend a source of funding for this Capital Project; and,
(c) That the Commissioner of Transportation/Environmental Services be authorized to construct these works on behalf of the City once all the necessary approvals have been received; and,
(d) That the Commissioner of Public Works and Traffic be authorized and directed to prepare the necessary by-law in a form satisfactory to the City Solicitor; and,
(e) That the City Clerk and City Treasurer be directed to give the necessary notice of City Council's intention to undertake these works.

3. That purchase orders be issued to 1997 April 30 for the rental of labour and equipment for snow removal, in accordance with the specifications issued by the Manager of Purchasing and Vendor's tenders, as outlined in Appendix "A" attached hereto, and that this expenditure be financed through the Hired Equipment Clearing Account No. CH56602 60999.
4. That a "One Hour Parking Time Limit, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation be implemented on the north side of Brantdale Avenue between Cloverhill Road and Glenwood Crescent and that the City Traffic By-law No. 89-72 be amended accordingly.
5. That a "No Parking" regulation be implemented on the north side of Burton Street commencing at Cheever Street and extending to a point 114 feet easterly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
6. That a "No Stopping" regulation be implemented on the west side of Pottruff Road South commencing at Gardenia Court and extending to a point 156 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
7. That a "No Stopping" regulation be implemented on the west side of Moxley Drive commencing at Carson Drive and extending to a point 48 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
8.
 - (a) That the existing "Alternate Side Parking" regulation on Norway Avenue between Maplewood Avenue and Afton Avenue be replaced with a "No Parking" regulation on the east side and a "Permit Parking" regulation on the west side and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue two parking permits to Nos. 14 and 38 Norway Avenue and one parking permit per residence to Nos. 18, 24, 26, 28, 32, 36, 42, 46 and 50 Norway Avenue and any additional permits (to a maximum of 18) on a first come first served basis.

9. (a) That the duration of the existing parking meters on the north side of Hunter Street East between James Street South and John Street South be revised from one hour to fifteen minutes; and,
- (b) That the existing "Permit Parking" regulation on the north side of Hunter Street East which commences 78 feet east of James Street South and extends 46 feet easterly therefrom be revised, such that the regulation commences 101 feet east of James Street South and extends to a point 31 feet easterly therefrom; and,
- (c) That a "No Stopping" regulation be implemented on the north side of Hunter Street East, commencing 53 feet east of Hughson Street South and extending to a point 50 feet west of Hughson Street South; and,
- (d) That a "No Stopping" regulation be implemented on the south side of Hunter Street East commencing at a point 276 feet east of James Street South and extending to a point 143 feet easterly therefrom; and,
- (e) That a "Commercial Vehicle Loading Zone, 24 Hours a Day, 7 Days a Week" regulation be implemented on the south side of Hunter Street East commencing at a point 208 feet east of James Street South and extending to a point 68 feet easterly therefrom; and,
- (f) That a "Taxi Stand, 24 Hours a Day, 7 Days a Week" regulation be implemented on the south side of Hunter Street East commencing at a point 132 feet east of James Street South and extending to a point 75 feet easterly therefrom; and,
- (g) That a "Wheelchair Loading Zone, 24 Hours a Day, 7 Days a Week" regulation be implemented on the south side of Hunter Street East commencing at a point 261 feet west of John Street South and extending to a point 20 feet westerly therefrom; and,
- (h) That a "No Parking - Loading Zone, 24 Hours a Day, 7 Days a Week" regulation be implemented on the south side of Hunter Street East commencing at a point 65 feet west of John Street South and extending to a point 196 feet westerly therefrom; and,
- (i) That the City Traffic By-law No. 89-72 be amended accordingly.

10. That a "No Parking" regulation be implemented on the west side of Northgate Drive commencing at the southerly end and extending to a point 45 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
11. (a) That a "Permit Parking" regulation be implemented on the west side of Mary Street commencing at a point 135 feet south of Wood Street East and extending to a point 20 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,
(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Edmund Mroz, No. 499 Mary Street.
12. That northbound traffic on Shynal Avenue and Tate Avenue be required to stop for eastbound and westbound traffic on Morley Street and that the City Traffic By-law No. 89-72 be amended accordingly.
13. That a purchase order be issued to Canadian Corps of Commissionaires (Hamilton) for parking enforcement services for 1996, in accordance with specifications issued by Purchasing and Vendor's quote, as follows:

Position	Billing Rate Per Hour
Sergeant	\$ 11.91
Commissionaire	\$ 10.98

14. (a) That approval be granted for the erection of signs identifying Hamilton as the location of the 1996 Grey Cup game, at major City of Hamilton entrance points on City of Hamilton Roads as requested by Grey Cup 96 Inc.; and,
(b) That the cost of signs erected identifying Hamilton as the location of the 1996 Grey Cup game be recovered from Grey Cup 96 Inc.; and,
(c) That the Ministry of Transportation of Ontario be formally requested to erect signs identifying Hamilton as the location of the 1996 Grey Cup game, on the Provincial Highways at major City of Hamilton entrance points, as requested by Grey Cup 96 Inc.; and,

- (d) That the cost of signs that the Ministry agrees to the erection of identifying Hamilton as the location of the 1996 Grey Cup game be recovered from Grey Cup 96 Inc.
15. That the applications to retain inadvertent encroachments at the locations as outlined in Appendix "B", attached hereto, be approved, provided:
- (a) That the owners enter into agreements satisfactory to the City Solicitor and Commissioner of Transportation/Environmental Services to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
 - (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,
 - (c) That the first year fees and subsequent annual fees as outlined in Appendix "B" be set for the encroachments.
16. (a) That the following City land be incorporated into a certain street in order to complete the final street width or to provide access to the newly registered subdivision agreement:
- Appleblossom Drive Block 31 Plan 62M-710; and,
- (b) That the by-law to carry out the incorporation of the said land into the foregoing street be approved; and,
 - (c) That the Commissioner of Transportation/Environmental Services be authorized and directed to register the by-law.
17. (a) That the submitted schedules of works be adopted for inclusion in the Subdivision Agreement with the Owner for the estimated costs of services in:
- " ELEANOR HEIGHTS ADDITION - PHASE TWO ", Hamilton**
City's Share \$ NIL Subdivider's Share \$ 71,839.; and,
- (b) That the Mayor and the City Clerk be authorized and directed to execute the proposed Subdivision Agreements with the Owners of "Eleanor Heights Addition - Phase Two", and any other related documents for this Subdivision subject to the approval of the City Solicitor; and,

- (c) That approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement have been registered; and,
 - (d) In the event that the owners wish to proceed prior to the registration of the Final Plan and Subdivision Agreement being registered they should be allowed to do so at their own risk provided that they enter into a standard agreement with the City of Hamilton for pre-servicing.
18. (a) That the application of Flamboro General Homes Inc. (Ontario Corporation) to install and maintain a retaining wall measuring 1.0m X 5.49m X 1.64m onto the Burlington Street road allowance be approved, subject to the following conditions:
- (i) That the applicant enter into an Encroachment Agreement in a form satisfactory to the Commissioner of Transportation/Environmental Services and the Law Department; and,
 - (ii) That the applicant pay a first year fee of \$252. for processing and registration and an annual fee of \$25.; and,
- (b) That the Mayor and the City Clerk be authorized to sign and execute all necessary documents to execute this agreement.
19. (a) That an Offer to Purchase agreement between The Regional Municipality of Hamilton-Wentworth and The Corporation of the City of Hamilton executed on 1995 November 21 and scheduled to close on or before 1996 January 19 for the purchase by the Region of part of Lot 55, Concession 1, in the former Geographic Township of Ancaster, now in the City of Hamilton, being a parcel of vacant land having a frontage of 7.867 metres (25.81 feet) more or less, along the western limit of Ewen Road, and a depth of 26.359 metres (86.48 feet) more or less, comprising an area of 0.021 hectares (0.051 acres) more or less, shown as Part 1 on Plan 62R-13242 subject to a pipeline easement in favour of Union Gas Limited over the northern half of Part 4 on Plan 62R-6555, known municipally as part of 26 Ewen Road, Hamilton, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Estate Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and funds derived from this sale of \$16,800. be credited to Account No. CH4X501 00102 (Reserve for Property Purchases (Sales)); and,

- (b) That an Authority to Enter between The Regional Municipality of Hamilton-Wentworth and The Corporation of the City of Hamilton executed on 1995 November 21 for the lands being composed of part of Lot 55, Concession 1, in the former Geographic Township of Ancaster, now in the City of Hamilton, being a parcel of vacant land having a frontage of 7.867 metres (25.81 feet) more or less, along the western limit of Ewen Road, and a depth of 26.359 metres (86.48 feet) more or less, comprising an area of 0.021 hectares (0.051 acres) more or less, shown as Part of Plan 62R-13242 subject to a pipeline easement in favour of Union Gas Limited over the northern half of Part 4 on Plan 62R-6555, known municipally as part of No. 26 Ewen Road, Hamilton, be approved; and,
 - (c) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,
 - (d) That in accordance with Real Property Sales Procedural By-law No. 95-049,
 - (i) satisfactory Notice has been given to the public of the intended sale; and,
 - (ii) no appraisal of the fair market value of the property being sold was obtained as the lands are exempt from this requirement; and,
 - (iii) the City Clerk be authorized and directed to execute and (issue) a Certificate of Compliance in the form prescribed by Section 193 of the Municipal Act.
20. That the following continuous improvement initiatives in the Department of Public Works and Traffic's Sanitation Division be endorsed as current budget reductions for consideration in the 1996 Current Budget Deliberations:
- (a) Salaries base reduction \$300,000.
 - (b) Operational improvements at Transfer Stations and SWARU \$140,000.
 - (c) Fleet management improvements \$200,000.
 - (d) Supervisory direct chargeback elimination \$ 50,000.

21. (a) That the request of nine of the thirteen owners on Wingate Place for the construction of concrete sidewalks on Wingate Place in Wheten Court Subdivision, at an estimated cost of \$19,100., be approved; and,
- (b) That the Commissioner of Transportation/Environmental Services be authorized and directed to construct these works on behalf of the City; and,
- (c) That the Finance and Administration Committee recommend a source of funding for this project.
22. That the Commissioner of Public Works and Traffic be directed to provide a second scheduled pick up of garbage on Fridays for the alleyways which serve King Street between James Street and Wellington Street.
23. (a) That, effective 1996 January 1, the staff complement of the Public Works and Traffic Department be adjusted as follows:
- DELETE**
- | | |
|-----------------------------|---------|
| Parking Control Supervisor | 1.0 FTE |
| Parking Violation Clerk I | 1.0 FTE |
| Parking Control Officer | 1.0 FTE |
| Administrative Assistant II | 1.0 FTE |
- ADD**
- | | |
|--------------------------------|---------------|
| Traffic Legislative Specialist | 1.0 FTE |
| Clerk/Dispatcher | 1.0 FTE; and, |
- (b) That the responsibility, accountability, equipment, vehicle and budget allocation for Noise Control (and related enforcement activities) be transferred to the Community Traffic Services Division effective 1996 January 1.
24. (a) That the West Central Branch of the Ministry of the Environment and Energy be advised that the City of Hamilton has no objection to PPM Canada Inc. carrying out the proposed PCB destruction for International Iron and Metal Company at No. 1640 Brampton Street, Hamilton, Ontario; and,

1995 December 12

- (b) That the thirty (30) day notification period that is normally required after a Certificate of Approval is issued by the Ministry of the Environment and Energy be waived so that the proposed work can be carried out as scheduled.
- 25.
- (a) That the Regional Municipality of Hamilton-Wentworth and all other area Municipalities be advised that the City of Hamilton recommends that the Waste Management Co-ordinating Committee format be amended so that elected representatives from all area Municipalities and the Region meet with the Staff Technical Committee at key intervals; and,
 - (b) That the Regional Municipality of Hamilton-Wentworth and all area Municipalities be requested to appoint a political representative to meet with the Waste Management Co-ordinating Committee.
26. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) A-72 A By-law to Amend By-law No. 89-72 to Regulate Traffic
 - (b) A-73 A By-law to Amend By-law No. 89-72 to Regulate Traffic
 - (c) A-74 A By-law to incorporate city land designated as Block 31, on Plan 62M-710 into Appleblossom Drive
 - (d) A-75 A By-law to alter Centennial Parkway by extending the existing raised concrete median island on the north leg of the intersection of Barton Street and Centennial Parkway northerly by approximately 25 metres

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

1995 December 4

Appendix "A" as referred to in
Section 3 of the FIFTEENTH
Report of the Transport and
Environment Committee for 1995

<u>Name</u>	<u>Address</u>	<u># of Vehicles</u> 4 x 4's	<u>Type</u>	<u>Rates</u>	
				95-96	96-97
Grecos	643-0151	3	Chev. - 8' Blade Ford - 8' Blade	\$49.00	\$51.00
Green Mountain	34 Arbutus Stoney Creek 560-4002	1	Chev. - 8' Blade	\$49.00	\$50.00
E. Woytkiw	2227 Rymal E. Stoney Creek 575-4100/578-9917	10	Dodge - 8' Blade Ford - 8' Blade Chev - 8' Blade	\$49.00	\$51.00
J.D.R. Tools	495 Arvin Stoney Creek 662-7064/662-5366	1	Ford - 8' 6" Blade	\$49.00	\$51.00
Mountainview	908 Ridge E. Stoney Creek 643-3612/643-1154	1	Ford - 8' Blade	\$49.00	\$51.00
Workman	849 Butter W. Ancaster 648-5521	1	Ford - 8' Blade	\$49.00	\$51.00
Battlefield	367 Hemlock Stoney Creek 662-3360/662-8015	1	Ford - 8' Blade	\$49.00	\$51.00

Appendix "B" as referred to in
Section 15 of the FIFTEENTH
Report of the Transport and
Environment Committee for 1995

<u>Location</u>	<u>Municipal Address</u>	<u>Owner</u>	<u>Type of Encroachment</u>	<u>First Year/Annual</u>
Rosslyn Avenue South	153 Rosslyn Avenue South	Lisa Marie Vandervelde	Portion of Building .42m x 11.34m Bay Window 3.2m x .90m Air Conditioning Unit .76m x 1.84m Chimney .64m x 1.34m	138/20
Parkside Drive	2 Parkside Drive	Joan & Alan McArthur	Steps .46m x 1.42m	138/20
Mary Street	511 Mary Street	John & Catherine Dumond	Frame Stoop .91m x 4.13m	134/20
Fairleigh Avenue South	660 Main Street East	James & Audrey Bezemer	Portion of building 0.03m x 3.96m onto Fairleigh S.	138/20
Paling Avenue North	268 Paling Avenue North	Christopher David Petsche Sheryl Anne McIntee Thomas George Petsche	Wooden Steps 1.219m x 0.448m	138/20
East 31st Street	14 East 31st Street	Marilyn Joyce Cowie	Concrete Stoop .64m x 3.24m	138/20
Locke Street South	195 Locke Street South	Gerald Mastromatteo	Portion of House 12.954m x .152m Portion of House 3.20m x .610m	138/20
Hunter Street East	352-356 Hunter St. East	Bruno Megna I/T	2 Eaves each measuring .3m x 2.0m	138/20
Albert Street	31-43 Albert Street	Sacchetta Investments Limited	2 Concrete Steps .5m x 1.7m, Concrete Cellar Window Wells, onto Maplewood Avenue a - .35m x 1.5m b - .30m x 1.5m	138/20
Burlington Street East	144 Burlington Street East	David Laranjeiro Nunes Suzy Agostinho Nunes	Front steps .777m x 1.105m	138/20
Lorne Avenue	88 Maplewood Avenue	St. Peter's Hospital	2 lamp posts .33m in diameter concrete curb approx. 31.5m in linear length and .2m. in width	138/20

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **TWENTY-FIRST** Report for 1995 and respectfully recommends:

1. (a) That the West Harbourfront Development Study Final Report: A Vision for the Future be received by City Council and furthermore, wherein this report completes the mandate of the Steering Committee, it is recommended that the WHDS Steering Committee and its supporting Technical Advisory Committee be disbanded; and,
- (b) That under the direction of the Chief Administrative Officer (C.A.O.), a staff committee, with the assistance of staff of the Economic Development Department, be authorized to undertake a suitable degree of promotion of the development and investment opportunities associated with the West Harbourfront Precinct to the development community (local, national, international), and invite formal submissions of interest and/or development proposals in order to test the economic viability of redevelopment; and,
- (c) That a capital budget package prepared, submitted and referred to the Capital Budget Sub-Committee of the Management Team in the 1996-2005 Capital Budget Program for consideration for approved expenditures in 1996 by Parks and Recreation Committee to facilitate the preparation of material required to promote the development opportunities in the West Harbourfront Precinct be endorsed; and,
- (d) That this report be forwarded to the Region's Economic Development and Planning Committee for information and that the Region be requested to authorize staff of the Economic Development Department to assist City staff with promoting the project/concept to the development community (local, national, international); and,
- (e) That the C.A.O. report to City Council by November 1996 on the responses from the development community on their interest to invest and develop within the West Harbourfront Precinct; and,

- (f) That City Council authorize the Mayor to convey to the Government of Canada, Province of Ontario, and CN, the City's continued interest in advancing the opportunity of redevelopment of the West Harbourfront Precinct based upon the relocation of the CN marshalling yard and to request of affected parties that no action be taken that would compromise redevelopment opportunities during the time that formal expressions of interest for development are being sought from the private sector; and,
 - (g) That the C.A.O., be authorized to negotiate with CN to secure property for a pedestrian/bicycle trail across CN lands between Bayfront Park and the Desjardins Canal; and,
 - (h) That a capital budget package prepared, submitted and referred to the Capital Budget Sub-Committee of the Management Team in the 1996-2005 Capital Budget Program for consideration by Parks and Recreation Committee to construct a pedestrian bicycle trail from Cootes Paradise and Princess Point to Bayfront Park be endorsed; and,
 - (i) That the concept plan for the development of Bayfront Park be approved and that a capital budget package for the development of Bayfront Park prepared, submitted and referred to the Capital Budget Sub-Committee of the Management Team for consideration in the 1996-2005 Capital Budget Program by Parks and Recreation Committee be endorsed; and,
 - (j) That the proposed Special Events Guidelines prepared for Pier 4 Park and Bayfront Park should be put into effect for the 1996 festival season, and that conditions and requirements in these guidelines should be understood and met by applicants prior to issuing a Special Events Permit; and,
 - (k) That when a full site selection and needs study is undertaken for a multi-use sports complex, Eastwood Park be a candidate site among others within the West Harbourfront Precinct to be considered.
2. (a) That City Council reaffirm the position taken regarding the disposition of surplus public lands on Hamilton Beach by a previous term of Council in adopting Section 18 of the Eighth Report of the Parks and Recreation Committee on 1993 April 27; and,

- (b) That prior to submitting a formal request to the Provincial Government regarding the disposition of Conservation owned properties on Hamilton Beach, the Mayor be authorized to extend an invitation to the Honourable Chris Hodgson, Minister of Natural Resources, on behalf of the City of Hamilton and Hamilton Region Conservation Authority to review the "Selected Approach" as outlined in Appendix "A" attached hereto.
- 3. (a) That staff be authorized and directed to negotiate the terms and conditions of the easement requested by the Region over 2.07 acres of Eastwood Park for a Combined Sewer Overflow (CSO) tank satisfactory to the Culture and Recreation, Public Works, Property and the Law Departments; and,
(b) That the Property Department report back to the Parks and Recreation Committee with the Region's Offer to Purchase.
- 4. That the City of Hamilton purchase Blocks 142 and 143, Plan 62-639 - Broughton Avenue (easement property) in the Broughton East Neighbourhood from Lillian Heights Development Inc. (C. Valeri) at a cost of \$1. plus the outstanding property taxes owed at a total cost not to exceed \$14,000.
- 5. (a) That an Option to Purchase Agreement, duly executed by the signing officers of Dofasco Inc. on 1995 November 2 and scheduled to close on or before 1996 March 15 for vacant lands situated in the City of Hamilton composed of Part Lot 5, Concession 1 and Part Lot 9, Registered Plan 555, fronting on the south side of Beach Road, being a portion of Dofasco's existing irregular shaped parcel on the east side of the rail spur line, situated 200 metres (650 feet) more or less west of Ottawa Street North containing 0.085 hectares (0.21 acres) more or less, and known as part of No. 276 Beach Road, be approved and completed for consideration of \$2. and a charitable tax receipt reflecting the market value of the property; and,

That the Option to Purchase be subject to the following conditions:

- (i) The name of the park shall be mutually agreed upon by the Owner and the City; and,
- (ii) The subject parcel will be specifically described on a survey plan or Reference Plan prepared by the City at it's expense prior to the closing of this transaction; and,

1995 December 12

- (iii) Schedule "B" of the Option to Purchase contains detailed conditions requiring that a soil test satisfactory to the City be obtained by the City at it's expense to ensure the property is free from environmentally dangerous material and the intended use of the property by the City could proceed without risk of harm or environmental treatment of the site. The Offer shall become null and void if the soil test obtained is not satisfactory; and,
- (b) That the \$2,000. estimated maintenance cost is presently unfunded and will require an adjustment to the 1996 Maintenance Budget of the Parks Division of Public Works; and,
- (c) That funding required for the erection of a chain link fence of approximately \$2,500., and for the cost of obtaining a soil test of the land being acquired estimated at \$3,000. be approved and charged to Account No. CH5X306 00201 (Reserve for Acquisition of Parklands).

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN F. EISENBERGER, CHAIRPERSON
PARKS AND RECREATION COMMITTEE

1995 December 5

Appendix "A" as referred to in
Section 2 of the TWENTY-FIRST
Report of the Parks and
Recreation Committee for 1995

Selected Approach - Hamilton Beach Project

1. That the Hamilton Region Conservation Authority (HRCA) be encouraged to finalize its property transfer arrangement with the Ministry of Transport Ontario thus increasing HRCA holdings on Hamilton Beach from approximately 25 acres to 35 acres[±].
2. That the HRCA transfer its land holdings on Hamilton Beach representing approximately 35 acres, including properties transferred from MTO, to the City at a nominal cost ie. \$2.00.
3. That the Director of Property undertake the sale of the properties deemed surplus to park and open space requirements in accordance with the approved Hamilton Beach Neighbourhood Plan, representing approximately 22 acres[±] and that subject to Provincial approval the HRCA be entitled to receive 50% of the net proceeds from each transaction this being the Provincial entitlement.
4. That the Provincial Government agree to forfeit its financial interest in the 13 acres[±] to be retained by the City to facilitate implementation of the open space component of the Beach Plan; this being considered the Provincial contribution toward the development of the park component of the Beach Project.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **TWENTY-THIRD** Report for 1995 and respectfully recommends:

1. (a) That approval be given to Subdivision Application 95-11 (Regional File No. 25T-95020), Vedemo Construction Ltd., owner, to establish a draft plan of subdivision "Bow Valley Estates", on lands located west of Donn Avenue and south of Highridge Avenue in the Riverdale East Neighbourhood, as shown on the attached map marked as Appendix "A" subject to the following conditions:
 - (i) That this approval apply to the plan, as revised in red, prepared by Ashenhurst Nouwens Limited and certified by John P. Nouwens, O.L.S., dated August 31, 1995, showing 36 lots for street townhouses, 6 blocks of land below the established top of bank and one street identified as Street "A", as shown on the attached map marked as Appendix "B".
 - (ii) That the Owner establish Street "A" to its full 18.0 m width and that these lands be conveyed to the City of Hamilton prior to registration of the final plan of subdivision. All works must be completed to the satisfaction of the Senior Director, Roads Department.
 - (iii) That all costs associated with intersection reconstruction of Bow Valley Drive and Highridge Avenue and the reconstruction work required on Bow Valley Drive, north of Highridge Avenue, be the responsibility of the Owner.
 - (iv) That the Owner receive all the necessary approvals required under the Municipal Act to alter Bow Valley Drive, north of Highridge Avenue and the intersection of Highridge Avenue and Bow Valley Drive prior to the development of any portion of these lands. All works must be completed to the satisfaction of the Senior Director, Roads Department.
 - (v) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (vi) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

- (1) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;
 - (2) That the Owner provide an inspection report prepared by a qualified professional engineer of all erosion and sediment control measures after each rainfall to the satisfaction of the Senior Director, Roads Department;
 - (3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
 - (4) That all disturbed areas be revegetated with permanent cover immediately following completion of construction.
-
- (vii) That the owner provide a 1.8 m high chain link fence to be located at the defined top of bank and that the fence be established prior to the development of the subject lands.
 - (viii) That the Owner, convey Blocks 1, 2, 3, 4, 5 and 6 to the City of Hamilton.
 - (ix) That Street "A" be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (x) That the Owner prepare and submit, to the satisfaction of the Director of Planning, a municipal street numbering plan.
 - (xi) That the final plan conform with the Zoning By-law approved under the Planning Act.
 - (xii) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan.
 - (xiii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (xiv) That the Owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.

- (xv) That the Owner enter into a subdivision agreement with the City of Hamilton, in order to satisfy all requirements, financial, engineering and otherwise, prior to the development of any portion of these lands.
- (xvi) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-95020), Vedemo Construction Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- (c) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.
- (d) That the approved Riverdale East Neighbourhood Plan be amended to add the public highway shown as Street "A" on the draft plan of subdivision upon Draft Plan Approval of the Plan of Subdivision.
- 2. (a) That approval be given to City Initiative 86-L, for a general text amendment to Zoning By-law No. 6593 to amend the definition of "sign, public notice" to include applications for draft plan of subdivision and applications for consent (severance) on the following basis:
 - (i) That Subsection 2(2)H(viea) of Zoning By-law No. 6593 be amended by deleting the existing definition of "sign, public notice" and replacing it with the following:

"sign, public notice" shall mean a sign containing content advertising that an application for an official plan amendment and/or an application for an amendment to Zoning By-law No. 6593 and/or an application for the approval of a plan of subdivision and/or an application for consent has been made, and that the application is, or applications are, being considered by the City of Hamilton."; and,
 - (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

- (c) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
 - (d) That Council amend its existing policy regarding sign posting requirements for development applications to require that applicants post a sign advising that an application for approval of a draft plan of subdivision or an application for consent has been made. The sign posting requirements for a subdivision application can be combined with the sign for an official plan amendment and/or rezoning application.
3. That demolition control be applied and the Building Commissioner be authorized to issue a demolition permit for 30 Norfolk Street North, only where a building permit has been issued to erect a new building in accordance with the requirements of Zoning By-Law 6593 on the site of the residential property sought to be demolished.
4. That demolition control be applied and the Building Commissioner be authorized to issue a demolition permit for 23 Leland Street, only where a building permit has been issued to erect a new building in accordance with the requirements of Zoning By-Law 6593 on the site of the residential property sought to be demolished.
5. (a) That approval be given to Amended Zoning Application ZAC-95-25, Edward Richter, owner, requesting a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District for Blocks "1" and "2", and to modify the established "HH" (Restricted Community Shopping and Commercial) District for Block "3", to permit automobile-related commercial uses, for property located 1270 Upper James Street, as shown on the attached map marked as Appendix "C" on the following basis:
- (i) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;
 - (ii) That Block "2" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;
 - (iii) That the "HH" (Restricted Community Commercial and Shopping, etc.) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands (Blocks "1", "2" and "3"), be modified to include the following variances as special requirements:

- (1) That notwithstanding Section 14A.(1) of Zoning By-law No. 6593, auto body and fender repair in conjunction with automobile sales and/or rental shall be permitted;
 - (2) That notwithstanding Section 14A.(3)(b) of Zoning By-law No. 6593, no building or structure, except a fence, shall be permitted within 12.0 m of the westerly lot line of Block "1" and within 30.0 m of the northerly lot line of Block "1";
 - (3) That notwithstanding Section 18(3)(ivc)(b) of Zoning By-law 6593, a landscape planting strip having a minimum width of 6.0 m shall be provided and maintained along the westerly limits of Blocks "1" and "2";
 - (4) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the westerly limits of Blocks "1" and "2";
 - (5) That a minimum 6.0 m wide planting strip shall be provided and maintained along the easterly boundary of Block "3", except for any area used for driveway access; and,
 - (6) That a minimum 3.0 m wide planting strip shall be provided and maintained along the northerly boundary of Blocks "1" and "3", except for any area used for driveway access;
- (iv) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1351, and that the subject lands on Zoning District Map E-5 be notated S-1351;
 - (v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council; and
 - (vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the Kernighan Neighbourhood Plan be amended by changing the designation of the subject lands from "Neighbourhood Commercial" to "Commercial" upon finalization of the implementing By-law.

6. (a) That the City's Loan Program under the Community Improvement provisions of the Planning Act now known as the "Commercial Loan Program" be renamed the Commercial Property Improvement Loan Program"; and,
- (b) That with respect to the following Community Improvement Project Areas, namely:

The Concession Street Community Improvement Project Area,
The Downtown Hamilton Community Improvement Project Area,
The International Village Community Improvement Project Area,
The Main Street West Community Improvement Project Area,
The Ottawa Street Community Improvement Project Area, and
The Westdale Village Community Improvement Project Area.

revisions to the City's Loan Programs in each Area, (attached hereto and marked as Appendix "D"), be approved (pursuant to the Community Improvement provisions of the Planning Act); and,

- (c) That the Public Works & Traffic Department hold a public meeting and take other steps required by the Planning Act in order that the said revisions may be adopted by By-law to amend the Loan Program provisions of the Community Improvement Plans for each of these Community Improvement Project Areas.
7. That the City Treasurer be directed to close the following Capital Project accounts with any excess funding to be transferred to its original source of funding:

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/ Committed To Date	Balance Available	Source of Funding
428603003	Downtown Action Plan-Phase III	\$1,300,000.	\$1,299,999.82	\$.18	Debenture

8. (a) That the 1995 operating budget for The International Village B.I.A. (attached as Appendix "E") be approved in the amount of fifty-four thousand dollars (\$54,000.); and,
- (b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1996 budget as referenced in (1) above; and,

- (c) That the following schedule of payments for 1996 be approved:

January 01	\$27,000.
September 01	\$27,000.

NOTE: 1995 levy arrears will be deducted from the payments for 1996.

9. (a) That the 1996 operating budget of the Ottawa Street B.I.A. (attached as Appendix "F") be approved in the amount of fifty-nine thousand, seven hundred and eighty dollars(\$59,780.00); and,
- (b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1996 budget as referenced in (a) above; and,
- (c) That the following Schedule of Payments for 1996 be approved.

January 01	\$14,945.00
March 01	\$14,945.00
June 01	\$14,945.00
September 01	\$14,945.00

NOTE: 1995 Levy arrears will be deducted from the payments for 1996

10. (a) That the Downtown Hamilton B.I.A.'s request to utilize \$7,142. of the Commercial Improvement Program monies towards the Sesquicentennial Downtown Mural Project be approved and recovered from account number CF 5698 428705006; and,
- (b) That the International Village B.I.A.'s request to utilize \$7,142. of the Commercial Improvement Program monies towards the Sesquicentennial Downtown Mural Project be approved and recovered from account number CF 5698 428705005.
11. That the Ottawa Street B.I.A.'s request for the purchase and installation of poles and banners under the Commercial Improvement Program be approved at an estimated cost of \$44,000. to be recovered from account number CF 5698 428705004.
12. (a) That the operating budget of the Downtown Hamilton B.I.A. (attached as Appendix "G") be approved in the amount of eighty-four thousand dollars (\$84,000.); and,

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(b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1996 budget as referenced in (1) above; and,

(c) That the following Schedule of Payments for 1996 be approved:

January 01	\$21,000.
March 01	\$21,000.
June 01	\$21,000.
September 01	\$21,000.

Note: 1995 levy arrears will be deducted from the payments for 1996.

13. (a) That the 1996 operating budget of the Barton General B.I.A. (attached as Appendix "H") be approved in the amount of six thousand dollars (\$6,000.); and,

(b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1996 budget as referenced in (1) above; and,

(c) That the following Schedule of Payments for 1996 be approved:

January 01	\$1,500.
March 01	\$1,500.
June 01	\$1,500.
September 01	\$1,500.

NOTE: 1995 Levy Arrears will be deducted from the payments for 1996.

14. (a) That the 1996 operating budget of the Main Street West Esplanade B.I.A. (attached as Appendix "I") be approved in the amount of three thousand dollars (\$3,000.); and,

(b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1996 budget as referenced in (1) above; and,

- (c) That the following Schedule of Payments for 1996 be approved:

January 01	\$750.
March 01	\$750.
June 01	\$750.
September 01	\$750.

NOTE: 1995 levy arrears will be deducted from the payments for 1996.

15. That the Building Commissioner be authorized to issue demolition permits, in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended, as follows:

44 Tisdale Avenue North
263 West 18th Street

16. That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny, in part, Application No. A-95-221, respecting property located at No. 6 Sandlyn Court.
17. (a) That the membership composition of the Property Standards Sub-Committee be increased from 3 to 5; and,
- (b) That the City Solicitor be authorized to prepare the necessary amendment to By-law No. 94-185, a By-law to prescribe standards for the maintenance and occupancy of property.
18. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) C-60 By-law to Amend Zoning By-law No. 6593 Respecting Land Located at Municipal No. 1275 Upper James Street.
- (b) C-61 By-law to Adopt Official Plan Amendment No. 132 Respecting Lands Located at the North-West Corner of Upper Wentworth Street and Emperor Drive.
- (c) C-62 By-law to Amend Zoning By-law No. 6593 Respecting Lands Located at the North-West Corner of Upper Wentworth Street and Emperor Drive.

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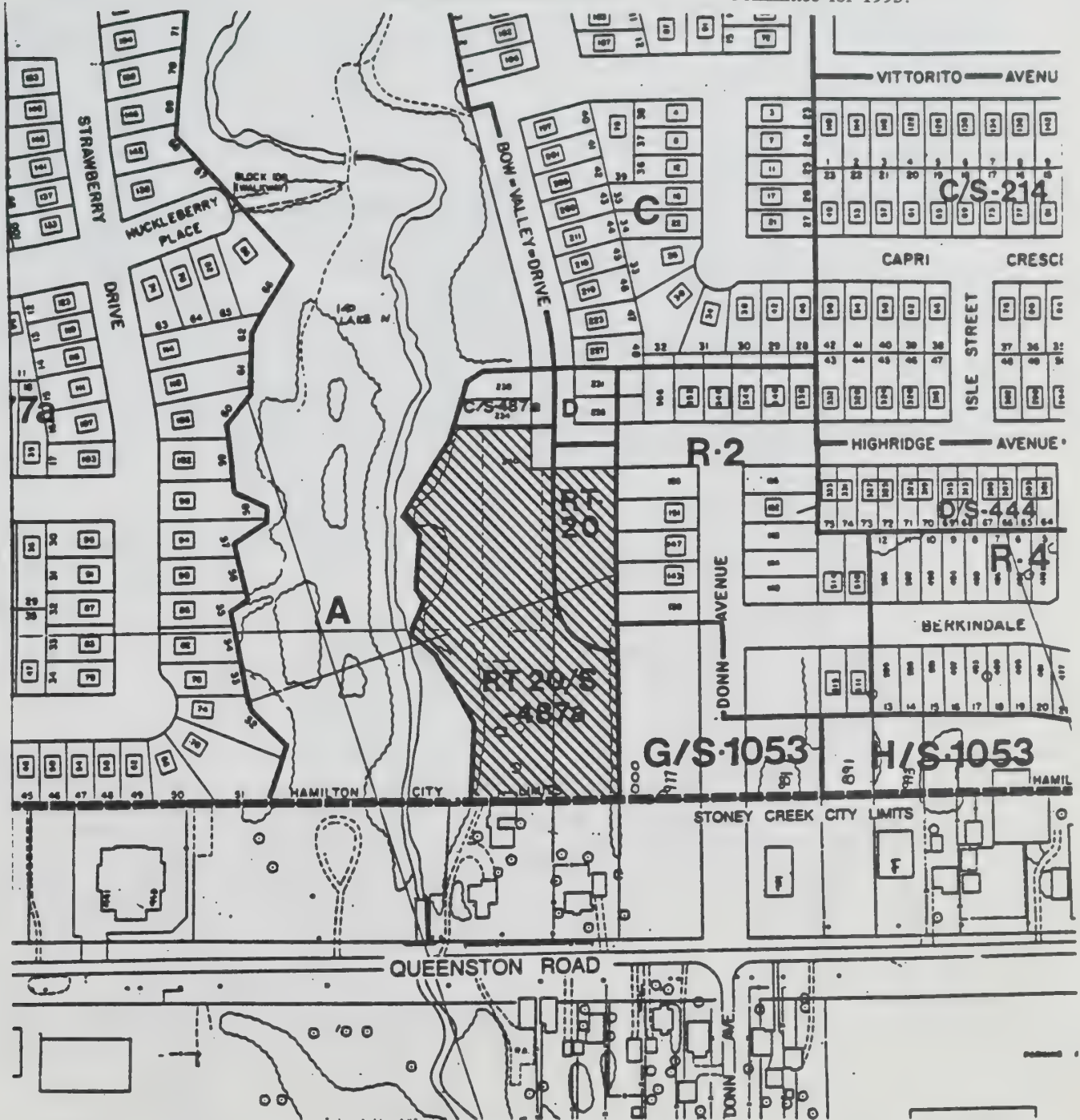
- (d) C-63 By-law to Amend By-law No. 94-185 Respecting the Property Standards By-law.

Respectfully submitted,

**ALDERMAN D. DRURY, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE**

**Tina Agnello, Secretary
1995 December 6**

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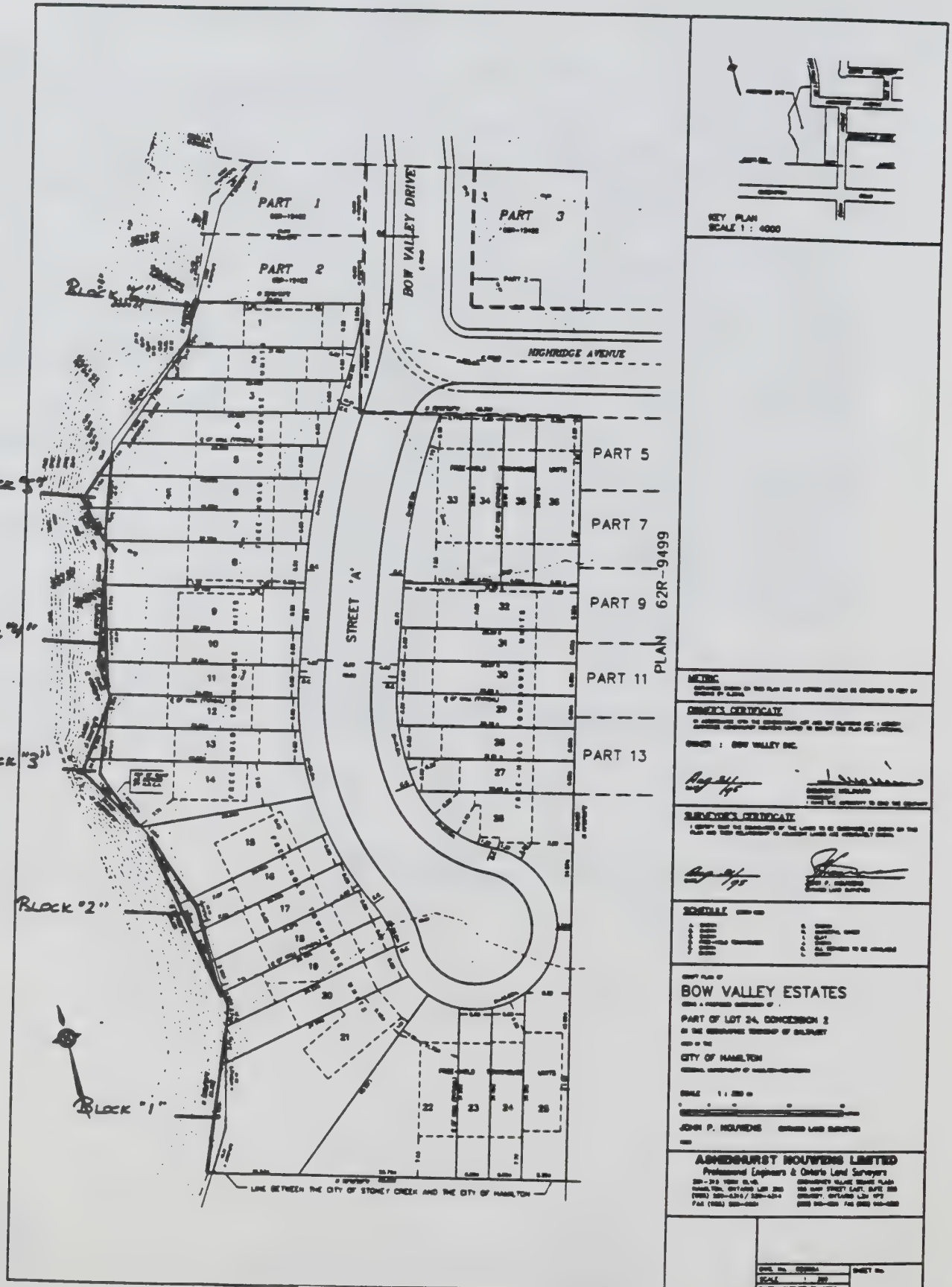
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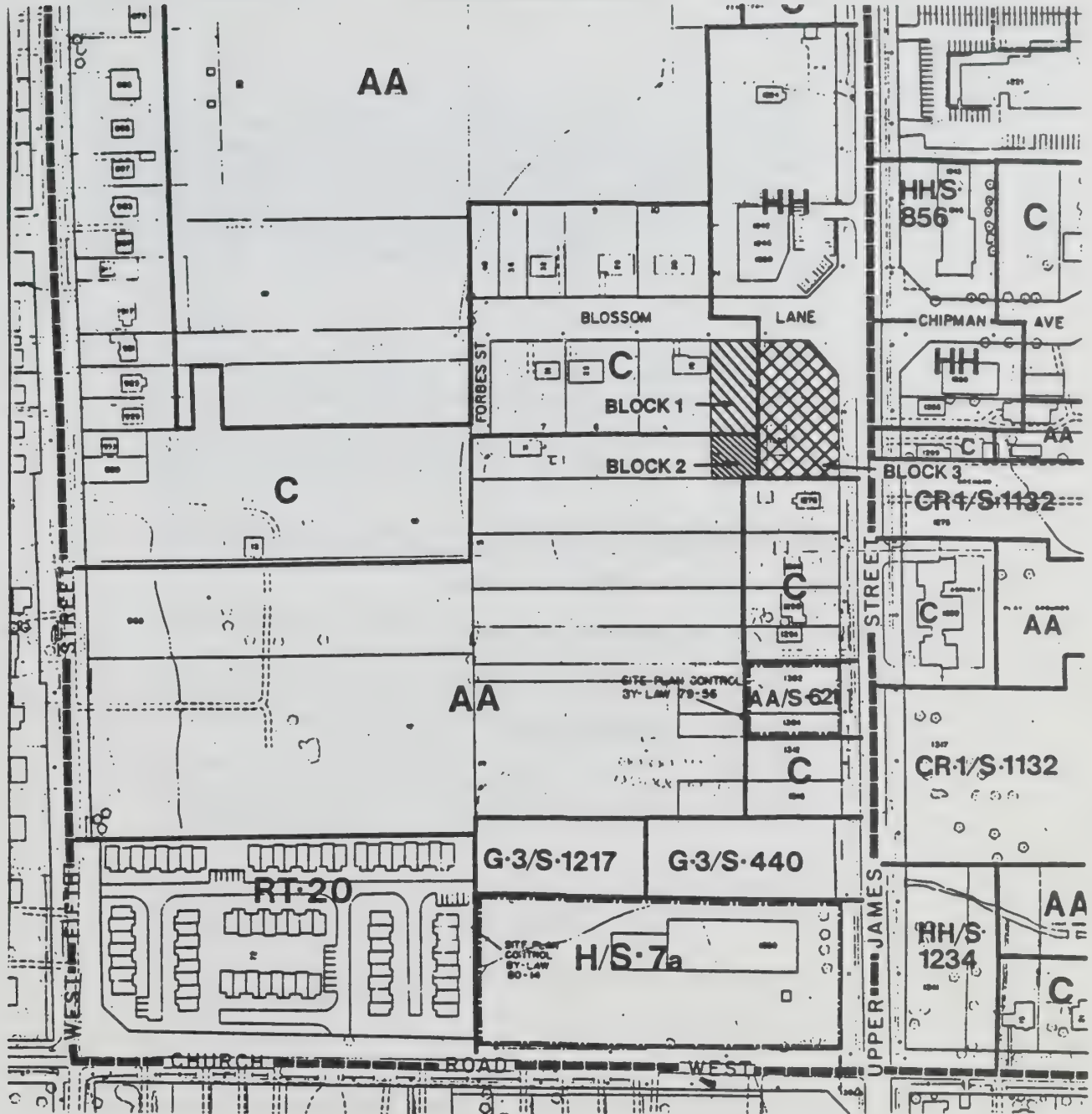
Site of the Application



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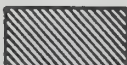



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Legend

Proposed change in zoning :

- | | | |
|---------|---|--|
| BLOCK 1 |  | "C" (Urban Protected Residential, etc.) District to
"HH" (Restricted Community Shopping and Commercial) District. |
| BLOCK 2 |  | "AA" (Agricultural) District to "HH" (Restricted Community
Shopping and Commercial) District. |
| BLOCK 3 |  | Modification to the established "HH" (Restricted Community
Shopping and Commercial) District. |


ZAC-95-25

1995 December 12

**PROPOSED REVISIONS TO THE
CONCESSION STREET, DOWNTOWN HAMILTON,
INTERNATIONAL VILLAGE, MAIN STREET WEST,
OTTAWA STREET AND WESTDALE VILLAGE
COMMUNITY IMPROVEMENT PLANS**

1995 November 24
Public Works and Traffic Department

The Community Improvement Plans adopted by Council for the Concession Street, Downtown Hamilton, International Village, Main Street West, Ottawa Street and Westdale Village Community Improvement Project Areas (hereinafter referred to as the "Community Improvement Plans",) are intended to be revised by the following additional provisions, which additional provisions shall prevail in the event of any conflict with the terms of the original Plans. Prior to adoption of these proposed revisions by bylaw, the procedures required by the Planning Act, including a public meeting, shall be held.

1.0 GENERAL

For the purpose of carrying out the Community Improvement Plans, The Corporation of the City of Hamilton may make loans to the registered owners or assessed owners of lands and buildings within the Community Improvement Project Areas of the said Community Improvement Plans, to pay for the whole or any part of the cost of the community improvement of any such lands, including the cost of rehabilitating such lands and buildings in conformity with the said Community Improvement Plans and upon the following additional terms and conditions.

Loans are available only to the extent of funds allocated from time to time for those purposes by the Council of The Corporation of the City of Hamilton.

2.0 REVISED LOAN GUIDELINES

- 2.1 Upon receipt of a satisfactory application which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at an interest rate of one half of the City's prime borrowing rate, amortized for a maximum period of ten years.

The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice or penalty.

- 2.2 These loans are solely intended for the owners of lands within the said designated Community Improvement Project Areas where the owners' lands are used for non-residential commercial purposes which, in the opinion of the City,
- (a) are intended for the eligible improvements and expenses contemplated in the said Plans as amended herein;
 - (b) fulfil the objectives of the City expressed in the said respective Community Improvement Plans, as amended herein;
 - (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.
- 2.3 While businesses which are tenants are not, according to the Planning Act, eligible for loans provided for in the said Plans as amended herein, loans to eligible property owners for improvements which will also benefit business tenants are provided for in these Plans.

- 2.4 Loans may be made to an owner of a non-residential commercial property not exceeding the sum of \$15,000. in respect of the cost of eligible facade and exterior renovations to each separate location of the owner's property specially assessed or specially assessable for a levy payable to the Board of Management of the applicable Business Improvement Area, (namely, the Concession Street, Downtown Hamilton, International Village, Main Street West, Ottawa Street or Westdale Village "Business Improvement Areas" Board of Management", as the case may be). These loans are subject to a maximum limit of \$45,000. (3 units, \$15,000. each) for each deeded property of the owner per twelve month period from the date of Council approval of the last previous loan(s).
- 2.5 Loans may be made to an owner of a non-residential commercial property not exceeding the sum of \$10,000. in respect of the cost of eligible interior improvements to each separate location of the owner or of a tenant under lease from the owner, specially assessed or specially assessable for a levy payable to the Board of Management of the applicable Business Improvement Area, (namely, the Concession Street, Downtown Hamilton, International Village, Main Street West, Ottawa Street or Westdale Village "Business Improvement Areas" Board of Management", as the case may be) subject to,
- (a) a loan maximum of \$30,000. for each deeded property of the owner per twelve month period from the date of Council approval of the last previous loan(s); and,
 - (b) the tenant, if any, accepting in writing the proposed interior improvements.
- 2.6 Loans may be for the following types of improvements and their related expenses:
- exterior building envelope;
 - major building systems, including roof, wiring, plumbing, heating;
 - interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - exterior/interior signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200.;
 - such other loan program administrative fees fixed by Council from time to time.

Loans shall be advanced only in respect of completed work which has been inspected by the City.

Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.

- 2.7 The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department. Deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
- 2.8 The owner will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.
- 2.9 A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.

2.10. As security for repayment of the loan made by the City, the borrower shall:

- (a) give the City a promissory note and, if a limited company, the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the corporate borrower to borrow the loan and give the loan security to the City;
- (b) consent to a City Lien being registered on title to the property being improved in which the property owner must have at least 20% equity, after covering outstanding property encumbrances, not including the amount of the City's loan;
- (c) where an owner has less than 20% equity in the property being improved,
 - (i) the owner may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor; and
 - (ii) the owner may provide the City with a guarantee from another person, provided the guarantee is secured by a mortgage on the Guarantor's property that meets the City's equity requirements and the Guarantor's lawyer prepares and certifies the guarantee and the collateral mortgage to the City, at the owner's expense, in a form satisfactory to the City Solicitor;
- (d) keep in good standing business taxes, realty taxes and B.I.A. levies.

2.11 Upon sale of the property improved by the loan, the loan/lien is due and payable in full to the City unless the new owner of the property meets the lending criteria and assumes the original terms and conditions of the loan.

Upon sale of a property which secures by a collateral mortgage repayment of a loan, the loan is due and payable in full to the City.

1995 December 12

COMMERCIAL PROPERTY IMPROVEMENT LOAN PROGRAM (CPILP)
(formerly Commercial Loan Program)
ESSENTIAL LOAN CRITERIA SUMMARY (Revised November 7, 1995)

The Commercial Property Improvement Loan Program (CPILP) provides municipal financial assistance to improve commercial buildings in Business Improvements Areas (B.I.A.'s) in the City of Hamilton.

There are two types of improvements to commercial buildings covered by CPILP. Exterior improvements and interior improvements. Applicants who undertake the renovations themselves are only eligible to receive cost of materials (substantiated by receipts).

Interior Improvements:

- wiring, plumbing, heating;
- interior fixtures, including partitions;
- interior decorating, including lighting, painting, wallpaper, etc;
- built-in showcases, freezers, special plumbing, etc;
- interior signage;

Exterior Improvements:

- exterior building envelope;
- major building systems, including roof;
- exterior signage.

Who Is Eligible to Apply:

Exterior Portion:

Only owners of the subject building are eligible to apply.

Interior Portion:

Owners of the subject building carrying out a business in the building are eligible to apply. If they have leased the premises to a tenant who is carrying out a business or who is in process of commencing a business, the owner may also apply for the interior portion. Currently, tenants are not eligible to apply, although, under proposed legislation, the City of Hamilton is seeking Provincial approval to permit tenants to receive loans for the interior portion.

Maximum Loan Amounts:

An assessable unit means a business location that is deemed eligible to pay a B.I.A. levy.

Exterior:

\$15,000 per assessable unit to a total of \$45,000 (3 units) per deeded property of the owner.

Interior:

\$10,000 per assessable unit to the total of \$30,000 (3 units) per deeded property of the owner.

If an applicant has previously received a loan or loans totalling \$75,000 from this program, the borrower is not eligible to be considered for any further loans until 12 months have elapsed from the date of Council approval of the most recent loan.

1995 December 12

~~Handwritten~~

INTERNATIONAL Village

APPROVED
~~PROPOSED~~ BUDGET

1 9 9 6

King Street East
between Wellington
and Mary

	<u>1995 Actual</u>	<u>1996 Proposed</u>
OPERATIONS:		
Rent	\$2,500.	\$3,500.
Utilities	1,900.	1,900.
Telephone	1,300.	1,000.
Supplies	1,714.	1,200.
Bank Charges	<u>350</u>	<u>400.</u>
	\$7,764.	\$7,500.
WAGES:		
Executive Director	*\$13,834.	\$20,000.
Wage Costs	<u>1,418.</u>	<u>2,300.</u>
	\$15,252	\$22,300.
Insurance	\$1,262.	\$1,300.
Audit	300.	400.
Advertising/Promo		
Print	\$1,915.	\$2,500.
Radio	00.	1,500.
Promo**	<u>3,994.</u>	<u>4,500.</u>
	\$7,471	\$10,200.
Allowance		
Uncollected Levies	\$16,044.	***\$14,000.
	<u> </u>	<u> </u>
	\$53,160.	\$54,000.

* Exec. Director wages reduced from August to December
by 50% to reflect loss of Federal Job Grant.

** Promotion includes banner installation, removal, maintenance,
as well as Christmas pole decorations, installation, removal
and maintenance.

*** Reported from Treasury, Sept. 9/95 that the uncollected
levies for 1995 assessment is \$12,835.90.

1995 December 12

OTTAWA STREET B.L.A.

PROPOSED 1996 BUDGET

ADVERTISING

	CHRISTMAS	\$3500.00	
	SUMMER FEST	\$4500.00	
	2 X PROMOTIONS	\$3500.00	\$11500.00

CONTIGENCY FUND

\$21500.00

BEAUTIFICATION:

GARBAGE REMOVAL	\$1200.00	
BANNERS & POLES	\$1500.00	\$ 2700.00

OFFICE EXPENSES

ADMINISTRATION	\$1200.00	
PRINTING	\$2500.00	
RENT	\$1500.00	
TELEPHONE	\$1000.00	\$ 7000.00

OFFICE FACILITATOR

WAGES & BENEFITS	\$14500.00
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**** INCREASE FOR
FACILITATOR
APPROVED BY
GENERAL
MEETING**

\$ 2580.00

TOTAL

\$59780.00

1995 December 12

DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA (B.I.A.)

APPROVED 1996 BUDGET

General Administration	\$35,000.
Committee Fund	\$25,000.
Special Projects	\$10,000.
Reserve	\$14,000.
TOTAL	\$84,000.

1995 December 12

Appendix "H" referred
to in Section 13(a) of the
TWENTY-THIRD Report of the
Planning and Development
Committee for 1995

BARTON GENERAL BUSINESS IMPROVEMENT AREA
APPROVED 1996 BUDGET

Street Festival	\$2,300.
Advertising	\$1,000.
Special Events	\$1,000.
Meeting Expenses	\$ 500.
Insurance	\$ 700.
Contingency Fund	\$ 500.

TOTAL	\$6,000.
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1995 December 12

**MAIN WEST ESPLANADE B.I.A.
APPROVED 1996 BUDGET**

Christmas Decorations	\$1,800.
Insurance	\$ 500.
Auditor	\$ 400.
Meeting Cost	\$ 300.
	<u>\$3,000.</u>

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTY-NINTH** Report for 1995 and respectfully recommends:

1.
 - (a) That the request from Grey Cup 1996 Hamilton Inc. for an advance of \$200,000. from the City's approved balance of \$1,410,000. of the total allocation of \$1,520,000. for the 1996 Grey Cup Festival to cover the ongoing expenses of the Festival Corporation, be approved; and,
 - (b) That the funds for this advance be derived from the 1996 Grey Cup Festival Account Centre Number CF 259555020; and,
 - (c) That prior to consideration for a request for the remaining balance of the approved allocation a detailed business plan for the Grey Cup Festival will be submitted by the Festival Corporation no later than 1996 March 31st; and,
 - (d) That the Grey Cup Festival Corporation will present a report on expenditures for the period ending 1995 December 31st to the 1996 January meeting of the Finance and Administration Committee.
2.
 - (a) That the City resolve Ontario Court (General Division) Action # 8887/95 by the payment to the Plaintiff, Heather Marratt, of the sum of \$1,500., inclusive of all claims for damages, interest and costs; and,
 - (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Action # 8887/95 be dismissed without costs.
3.
 - (a) That the City decline the Plaintiff's offer to settle Ontario Court (General Division) Small Claims Court Action No. 4324/94 for the amount \$4,000., inclusive of all damages, interest and costs; and,
 - (b) That the City make a counteroffer to the Plaintiff to settle Ontario Court (General Division) Small Claims Court Action No. 2127/94 in the following terms:

- (i) That the City pay to the Plaintiff Jean Howarth, the amount of \$2500., inclusive of all claims for damages, interest and costs; and,
 - (ii) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (iii) That Ontario Court (General Division) Small Claims Court Action No. 4324/94 be dismissed without costs.
- 4.
 - (a) That the City resolve Ontario Court (General Division) Small Claims Court Action No. 3753/95 by the payment to the Plaintiff, Canadian Pacific Limited, of the sum of \$488.10, inclusive of all damages, interest and costs; and,
 - (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Small Claims Court Action No. 3753/95 be dismissed without costs.
- 5. That the City support the request from the tenants of 606 Aberdeen Avenue to direct funds identified under the rent attornment proceeding for payment of outstanding utility bills, less the City's legal expenses, in order to maintain the operation of that building, provided a full accounting of funds held in trust for the City by the tenants is rendered and specific invoices from Hamilton Hydro and Union Gas are received in advance.
- 6. That outstanding Business Taxes in the amount of \$412,671.26 be written off in accordance with Section 441 of the Municipal Act, R.S.O. 1990 and charged to Account CH53401 24106, Tax Write-offs.
- 7. That outstanding Accounts Receivables and Rents Receivables totalling \$39,577.03 be written off and charged to Account CH 15401 00001.
- 8. That as referred to in Section 13 of the Fourteenth Report for 1995 of the Transport and Environment Committee and approved by City Council on 1995 November 28, the City's share of servicing San Lorenzo Heights - Phase 1 Subdivision at an estimated cost of \$53,319., be financed from the Account Centre No. CH 00107 - Reserve for Services Through Unsubdivided Lands.

9. That as referred to in Section 2 of the Fifteenth Report for 1995 of the Transport and Environment Committee, the Commissioner of Public Works and Traffic be authorized to prepare an appropriate By-Law in a form satisfactory to the City Solicitor to construct a concrete alley first south of Hunter Street from Bay Street to approximately 83.5m westerly under the Local Improvement Act at an estimated cost of \$48,000. with the City's share of \$35,060.49 to be financed from the 1995 Capital Levy (Account Centre No. CH 22002) and the balance of \$12,939.51 being the owner's share to be financed by the issuance of debentures for a period not to exceed 20 years. It is further recommended that application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the amount of \$12,939.51 for a term not to exceed 20 years for the above project.
10. That as referred to in Section 21 of the Fifteenth Report for 1995 of the Transport and Environment Committee, the City's share of constructing sidewalks on Wingate Place in Wheten Court Subdivision at an estimated cost of \$19,100., be financed from the Account Centre No. CH 00107 - Reserve for Services Through Unsubdivided Lands.
11.
 - (a) That Section 12 of the Fourteenth Report of the Finance and Administration Committee respecting "Offer to Purchase - 775 Upper Wentworth Street, Elite Realty Corp." be amended by extending the closing date from 1995 December 15 to 1996 February 15, with all other terms and conditions remaining the same and time continuing to remain of the essence; and,
 - (b) That the City Solicitor be authorized and directed to take appropriate action in dealing with this matter.
12.
 - (a) That the following properties be declared surplus to the requirements of the City in accordance with the Realty Sales Procedural By-law 95-049:
 - (i) 5 foot strip of land between 459 and 465 Bay Street North
 - (ii) 188 Cavell Avenue
 - (iii) 1717 Upper James Street
 - (iv) Three residential building lots on the S/E corner of Stone Church Road East and DiCenzo Drive
 - (b) That the Property Department be authorized to proceed to sell these properties in accordance with the Realty Sales Procedural By-law.
13. That the 1996 invoice for \$94,396. (plus GST) from Dunn and Bradstreet Software be authorized for payment from Account CH 5609X-26021 (User Software).

14. That the Listing of Appointments to and Terminations from Permanent Positions with the Corporation of the City of Hamilton to 1995 November 24, attached herewith and marked Appendix "A", be approved.
15.
 - (a) That the amendment to the Roofers Provincial Collective Agreement, Local 537, be received pursuant to the Fair Wage Policy of the Corporation of the City of Hamilton; and,
 - (b) That the Fair Wage Schedule be amended to reflect this change.
16.
 - (a) That the amendment to the International Brotherhood of Electrical Workers, Local 105, be received pursuant to the Fair Wage Policy of the Corporation of the City of Hamilton; and,
 - (b) That the Fair Wage Schedule be amended to reflect this change.
17. That the brass slide rail removed 13 years ago during the demolition of the Sanford Avenue Fire Station, be donated to the Firefighters Drum Corps Inc. to be used within their new practice facility building on Dartnall Road, Hamilton, which is soon to be ready for occupancy.
18.
 - (a) That applicants for new licences listed on the schedule attached herewith and marked Appendix "B", be required to submit a plot plan satisfactory to the Building Department and obtain a zoning verification from the Building Department before a licence application is processed by the City Clerk's Department; and,
 - (b) That applications for licence renewals and transfers be exempt from providing a plot and zoning verification; and,
 - (c) That the City of Hamilton Licensing By-law 93-069 be amended accordingly.
19.
 - (a) That the Second Level Lodging House By-law 80-259 be amended to provide for the following:
 - (i) The deletion of the requirement for the Medical Officer of Health to carry out monthly inspections; and,
 - (ii) To require the Medical Officer of Health to carry out inspections and file reports on the inspections and operation of each Second Level Lodging House with the Licensing Committee, as often as are reasonably necessary; and,

- (b) That the City Solicitor be authorized and directed to prepare the necessary by-law amendments.
20. (a) That the following procedure be implemented for the collection of rental arrears in excess of one (1) month at the Hamilton Farmers' Market:
- (i) Step One: That the stallholder in arrears be forwarded a letter from the Market Manager by registered mail and hand delivery requesting payment of the total arrears within ten (10) days of receipt of the letter or arrangements acceptable to the Market Manager made for payment; and,
 - (ii) Step Two: If payment is not received within ten days of receipt of the letter referred to in Step One or if the payment arrangements agreed to with the Market Manager are not honoured by the stallholder in arrears, that a further letter be sent from the Manager of Administrative Services, City Clerks Department by registered mail and hand delivery advising that a recommendation for a one week suspension from the Hamilton Farmers' Market will be forwarded to the City Clerk; and,
 - (iii) Step Three: If payment of the arrears is not received or acceptable arrangements for payment made, that a one week suspension from the Hamilton Farmers' Market of the stallholder and their employees be implemented by the City Clerk; and,
 - (iv) Step Four: If after the one week suspension, payment of the arrears is still not made, that a recommendation for termination of contract be forwarded to the Finance and Administration Committee by the City Clerk; and,
- (b) That Section 2 of the Hamilton Farmers' Market Contract be amended to read:
- "2. To pay the fee referred to above monthly in advance by depositing with the Market Manager twelve postdated monthly cheques at the time of executing this contract, on the understanding that this contract may be terminated if the fees are in arrears in excess of one month.."

21. (a) That the following additional lighting requests submitted by the respective stallholders in the total amount of \$4,514. for the Hamilton Farmers' Market be approved:

Elmira Purveyors, Stand No's 97-100, lower 1 fixture, add 2 fixtures	- \$ 659.
Flower Cart, Stand No. 163, add 3 fixtures	- \$1,154.
Josie's Flowers, Stand No's 166-167, add 2 fixtures, move 1 fixture	- \$1,019.
Susie's Plants, Stand No's 161-162, add 3 fixtures	- \$ 555.
Lesley's Flowers, Stand No's 169-171, add 1 fixture, move 2 fixtures	- \$ 295.
Sam's Meat and Cheese, Stand No's 16,21-22, move 1 fixture	- \$ 85.
Chapman's, Stand No's 23-24, add 2 fixtures	- \$ 537.
Agro's Fish, Stand No. 12, add 1 fixture	- \$ 210.

- (b) That the following additional lighting requests submitted by the respective stallholders in the total amount of \$5,589. for the Hamilton Farmers' Market not be approved:

Four Seasons Produce, Stand No's 87-89, add 1 fixture	- \$ 135.
Spera's Produce, Stand No. 91, add 1 fixture	- \$ 135.
Lesley's Flowers & Temple's Florist, Stand No's 169-175, add 5 fixtures	- \$1,423.
Under the ramp, Stand No's 101-111, add 12 fixtures	- \$2,255.
Bentford Orchards, Stand No's 77-79, add 2 fixtures	- \$ 377.
Angela's Deli, Stand No's 68-70, add 4 fixtures	- \$1,104.
Newport Fish, Stand No. 18, move 2 fixtures	- \$ 160.

- (c) That the additional cost of \$4,514. be financed from the 1995 Energy Management Projects account No. CF 319541003.

22. (a) That the City accept authority from the Provincial Offences Court to commence collection of outstanding fines under the Planning Act, the Building Code, Provincial Offences Act, and By-laws (not including parking infractions); and,
- (b) That the City Solicitor execute the Letter of Understanding, attached herewith and marked Appendix "C" with the Provincial Offences Court on behalf of The Corporation of the City of Hamilton; and,

- (c) That the outstanding fines be collected in the best financial interests of the Corporation, through procedures which include:
 - (i) Examination of debtors in aid of execution; and,
 - (ii) Filing writs of seizure and sale; and,
 - (iii) Sale of real and personal property; and,
 - (iv) Garnishment of debts payable to the debtor, which include bank accounts.
- 23. (a) That the City agree to indemnify and save harmless, the Hamilton-Wentworth Housing Authority with respect to Fire Department use of the building at 30 Sanford Avenue South for high level rope rescue training purposes; and,
- (b) That the City enter into an Indemnity Agreement with the Hamilton-Wentworth Housing Authority, in form and content satisfactory to the City Solicitor, with a term of no more than two years.
- 24. That the actions of the Chief Administrative Officer in receiving \$10,000. U.S. Funds from the Firan Corporation as a donation for Hamilton Sesquicentennial Celebrations Inc. and directing the City Treasurer to write a cheque for Canadian Funds equivalent of this amount to Hamilton Sesquicentennial Celebrations Inc. be endorsed.
- 25. (a) That the City of Hamilton loan \$25,000. to the Organizing Committee for the 1996 C.P.W.A. Conference and Exposition to be held in Hamilton from 1996 June 9 - 12 at the Convention Centre and Copps Coliseum. The loan is to be used as seed money to deal with the up front costs of organizing such a Conference and Exposition; and,
- (b) That the Organizing Committee repay the loan of \$25,000. at the conclusion of the Conference and Exposition; and,
- (c) That funds for this loan be charged to the Reserve for Contingencies account centre 00115.

26. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) D-81 A By-law to Amend By-law No. 95-090 respecting 1995 Debenture Projects and Amounts.
 - (b) D-82 A By-law to Amend By-law No. 94-095 regarding 1994 Debenture Projects and Amounts.
 - (c) D-83 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1995 December 5**

Appendix "A" referred
to in Section 14 of the
TWENTY-NINTH Report
of the Finance and
Administration
Committee for 1995.

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. Gil Desjarlais	I	Deputy Chief (E)	Fire	Replacing Mr. G. Smith - promoted Sept. 30/95	\$72,475.00 to \$85,343.44	Dec. 13/95

Prepared November 24, 1995

Status
Internal - I
External - E

THE CORPORATION OF THE CITY OF HAMILTON
TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. Paul Beltrano	Truck Driver	Public Works	Terminated	11 years, 10 months	Sept. 1995

Prepared November 24, 1995

Glossary of Terms

Terminated -- long term disability
 -- discharge
 -- downsizing
 -- redundant

Resigned -- personal betterment
 -- personal reasons

Places of Amusement

- Billiards
- Public Hall
- Bingo Hall
- Roller Skating Rink

Eating Establishments

- Lunch Counter
- Restaurant
- Restaurant, Take Out

Flea Market

Garages

- Garage A - Auto Sales
- Garage B1 - Mechanical Repairs and Bodywork
- Garage B2 - Mechanical Repairs
- Garage B3 - Bodywork
- Garage C - Gas Pumps
- Garage D - Parking Lot
- Garage E - Car Wash

Lodging House

Second Level Lodging House

1995 December 12

PROVINCIAL OFFENCES ACT

CIVIL ENFORCEMENT

LETTER OF UNDERSTANDING

Appendix "C" referred
to in Section 22 of the
TWENTY-NINTH Report
of the Finance and
Administration
Committee for 1995.

(Date)

The Court Administrator
Provincial Offences Court
(Address)

Dear Sir/Madam:

I have been instructed by the Council of the Corporation of the _____ of _____ (or its Clerk, Chief Administrative Officer, etc.) to inform you that it is the intention of the Corporation to utilize the civil enforcement provisions of the Provincial Offences Act in order to attempt to collect certain fines imposed by the Provincial Offences Court which are in default, and which under the pertinent statutes are payable to the Corporation.

It is understood that the Corporation will ascertain the fines which have gone into default by inquiring at the court office. The Corporation will request the court office to extract these files and to present them to a justice. If necessary, an employee of the City will appear before the justice to establish that the Corporation is by law entitled to the fine, that the Corporation by one of its employees acted as prosecutor of the particular offence, and that the employee who requests the justice to direct the clerk to proceed with civil enforcement has been duly authorized by the Corporation to do so.

If the justice directs the clerk to proceed with civil enforcement in any case, the Corporation will accept the certificate of default for filing in the civil court of competent jurisdiction. The Corporation will file the certificate of default on behalf of the clerk of the Provincial Offences Court as soon as is reasonably practicable. It is understood that the Corporation will be responsible for all fees and expenses incurred in the course of attempting to collect the fine, including any fees which may be required for filing a certificate of payment under subsection 68(3) of the Act with the civil court or the sheriff.

The Corporation intends to utilize all reasonable methods of collecting the fine which are likely to result in payment within a reasonable time in the circumstances. The Corporation further undertakes to inform the court office of the progress of attempts to collect the fine at intervals of not less than six months, calculated in the first instance from the date on which the clerk issued the certificate of default.

The Corporation understands that all funds on account of the fine which are recovered by the sheriff or the clerk of the court of competent jurisdiction, as the case may be, including the fees and costs incurred by the Corporation in the civil court, will be remitted to the clerk of the Provincial Offences Court. An endorsement on the certificate of default will specify that payment is to be made to the Provincial Offences Court. After deducting any costs ordered to be paid by the Provincial Offences Court, the clerk will disburse the net proceeds to the Corporation. The Corporation also agrees that if money is paid voluntarily to the Corporation by the defaulter, the Corporation will transmit the funds to the civil court in which the certificate of default was filed, to be dealt with as outlined above.

The Corporation further understands that, when the fine has been paid in full, the Corporation will, upon request, inform the clerk of the name and location of the court of competent jurisdiction in which the certificate of default was filed, and also advise the clerk whether the municipality has filed a writ of seizure and sale with the sheriff of the particular county or district, in order that the clerk may file a certificate of payment in respect of each fine which has been paid in full.

The Corporation understands that although it has commenced the civil enforcement process in respect of any particular fine a justice of the Provincial Offences Court can at any time issue a warrant of committal in accordance with the provisions of section 69 of the Provincial Offences Act.

(signature)

(This letter should be signed by an officer of the Corporation or its solicitor.)

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1995 DECEMBER 12
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

BY-LAW NO. 95 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 25 (Parking Time Limits)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Brantdale	North	Cloverhill to Glenwood	1hr	8 am - 6 pm	Mon - Fri
Burton	North	Wentworth to a point 114 feet east of Cheever	3hr	8 am - 6 pm	Mon - Sat."

and by deleting therefrom the following items, namely:-

"Burton	North	Wentworth to Cheever	3hr	8 am - 6 pm	Mon - Sat."
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2. **Schedule 26 (No Parking Areas)** is hereby amended by adding thereto the following items, namely:-

"Burton	North	Cheever to a point 114 feet easterly therefrom	Anytime
Northgate	West	commencing at the southerly end and extending to a point 45 feet northerly therefrom	Anytime
Norway	East	Maplewood to Afton	Anytime
Hunter	South	commencing at a point 65 feet west of John and extending to a point 196 feet westerly therefrom	Anytime."

3. **Schedule 27 (Alternate Side Parking)** is hereby amended by adding thereto the following items, namely:-

"Norway Avenue Cumberland Avenue to Afton Avenue	West	East."
---	------	--------

and by deleting therefrom the following item, namely:-

"Norway Avenue Cumberland Avenue to Maplewood Avenue	West	East."
---	------	--------

BY-LAW NO. 95 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 10 (Stops at intersections)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Shynal	Northbound	Morley
Tate	Northbound	Morley."

2. **Schedule 29 (No Stopping Areas)** is hereby amended by adding thereto the following items, namely:-

"Pottruff	West	Gardenia to a point 156 feet northerly	Anytime
Moxley	West	Carson to a point 48 feet northerly	Anytime
Hunter	North	Hughson to a point 50 feet westerly	Anytime
Hunter	North	Hughson to a point 53 feet easterly	Anytime
Hunter	South	commencing at a point 276 feet east of James and extending to a point 143 feet easterly therefrom	Anytime."

and by deleting therefrom the following item, namely:-

"Hunter	South	John to James	Anytime."
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3. **Schedule 28 (Taxi Stands)** is hereby amended by adding thereto the following item, namely:-

"Hunter	South	75 feet	132 feet east of James	Anytime."
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4. **Schedule 30 (Commercial Vehicle Loading Zones)** is hereby amended by adding thereto the following item, namely:-

"Hunter	South	68 feet	208 feet east of James	Anytime."
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5. **Schedule 35 (Wheelchair Loading Zones)** is hereby amended by adding thereto the following item, namely:-

"Hunter	South	20 feet	261 feet west of John	Anytime."
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PASSED this day of A.D. 1995.

CITY CLERK _____ MAYOR _____

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 95-

**TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 31, ON PLAN 62M-710
INTO APPLEBLOSSOM DRIVE**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate a portion of the highway known as Appleblossom Drive within its limits, the land described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Appleblossom Drive.

All of Block 31, Plan 62M-710

City of Hamilton
Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open the said lands as a public highway.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this

day of

A.D. 1995

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 95-

**TO ALTER CENTENNIAL PARKWAY BY EXTENDING THE EXISTING RAISED
CONCRETE MEDIAN ISLAND ON THE NORTH LEG OF THE INTERSECTION OF BARTON
STREET AND CENTENNIAL PARKWAY NORTHERLY BY APPROXIMATELY 25 METRES.**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of the Municipal Act, Revised Statutes of Ontario, 1990, Chapter M.45, and amendments thereto, to establish and layout, widen, alter, divert, stop-up, close or sell any highway or part of a highway;

AND WHEREAS this portion of highway known as Centennial Parkway is a local road under the jurisdiction of The Corporation of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 22 of the 12th Report of the Transport and Environment Committee on October 10, 1995 authorized that steps be taken in accordance with the Municipal Act to advertise Notice of the City's intention to alter Centennial Parkway as hereinafter described;

AND WHEREAS Notice of the City's intention to pass this By-law to authorize the said alteration has been published as required by Section 300 of the Municipal Act for four (4) consecutive weeks in The Spectator, a newspaper having general circulation in the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard no matter whether in objection to or in support of this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That the alterations be approved and carried out on Centennial Parkway to extend the island within the travelled portion of the highway on the north leg of the intersection of Barton Street and Centennial Parkway, northerly by approximately 25 metres, as illustrated in Schedule "A" attached hereto.
2. That the Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City of Hamilton, all contracts necessary for the construction of the said works.

PASSED this day of , 1995.

CITY CLERK

MAYOR

(1994) 8 R.T.E.C.42, May 10
65-2/94.2

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 1275 UPPER JAMES STREET

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-9c of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "CR-1" (Community-Residential) District, modified to "HH" (Restricted Community Commercial and Shopping) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "HH" (Restricted Community Commercial and Shopping) District provisions, as contained in Section 14A of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 18(3)(ivc)(b) of Zoning By-law 6593, a landscape planting strip having a minimum width of 6.0 m shall be provided and maintained along the easterly limits of the "HH" District where they abut the residential district to the east; and,
- (b) a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the easterly limits of the "HH" District where they abut the residential district to the east; and,
- (c) notwithstanding Section 14A(3)(a) of Zoning By-law No. 6593, a front yard depth of at least 24 metres shall be provided and maintained for any building; and,

- (d) a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the entire westerly lot line, except for any area used for driveway access.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1349.

5. Sheet No. E-9c of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1349.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

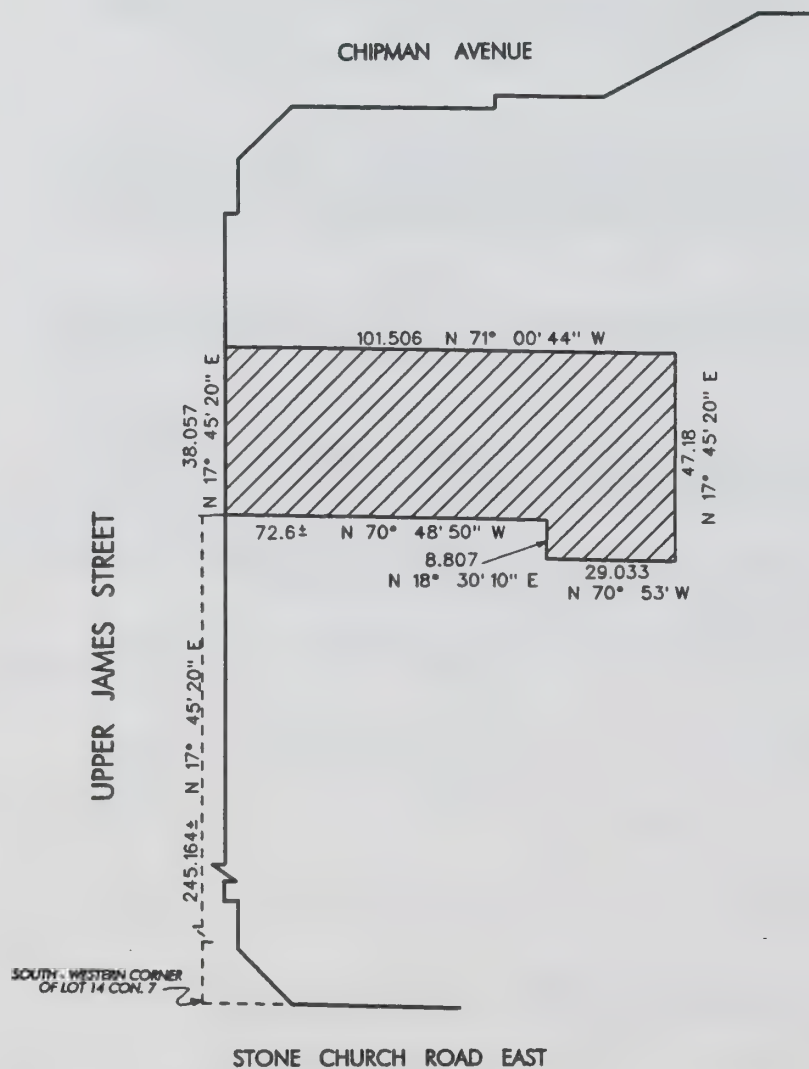
day of

A.D. 1995

CITY CLERK

MAYOR

(1995) 19 R.P.D.C. 1, October 10
Hampshire Properties Inc., Owner
ZAC-95-23



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 95-.....
Passed the day of, 1995.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 95-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in zoning from:



"CR-1" (Commercial-Residential) District,
Modified to "HH" (Restricted Community
Commercial and Shopping, etc.) District,
Modified.

North



Scale
Not to Scale

Date
OCTOBER 1995

Reference File No.
ZAC-95-23

Drawn By
R.L.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Adopt:

Official Plan Amendment No. 132

Respecting:

**LANDS LOCATED AT THE NORTH-WEST CORNER OF UPPER WENTWORTH
STREET AND EMPEROR DRIVE**

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 132 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this day of

A.D. 1995

CITY CLERK

MAYOR

(1995) 19 R.P.D.C. 2, October 10
Wellington Chase Inc. (J. Parente), Owner
ZAC-95-15

Amendment No. 132

to the

City of Hamilton Official Plan

The following text, together with Schedules "A" and "B-2", attached hereto, constitutes Official Plan Amendment No. 132.

Purpose:

The purpose of this Amendment is to redesignate the subject lands, located at the northwest corner of Upper Wentworth Street and Emperor Drive, from "Commercial" to "Residential", and delete that portion of "Special Policy Area 23" applicable to the subject lands, to permit single family residential building lots.

Location:

The lands affected by this Amendment are located on the northwest corner of Upper Wentworth Street and Emperor Drive, within the Barnstown Neighbourhood.

Basis:

The basis for permitting single family residential development on the subject lands are as follows:

- 1) The proposed single family residential development would be compatible with existing single family areas located to the north and west of the subject lands; and,
- 2) There are other areas designated and zoned for commercial use in the vicinity, including blocks at the northwest and southeast corners of the Barnstown Neighbourhood, and a large commercial area located at the northeast corner of Upper Wentworth and Rymal Rd.

Actual Changes:

- 1) Schedule "A" - Land Use Concept of the Official Plan be revised by redesignating the subject lands from "Commercial" to "Residential", as shown on the attached Schedule "A" of this Amendment; and,
- 2) Schedule "B-2" - Other Special Policy Areas be revised by deleting the subject lands from Special Policy Area 23, as shown on the attached Schedule "B-2" of this Amendment.

Implementation:

A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 95- , passed on the day of , 1995.

**The Corporation of the
City of Hamilton**

City Clerk

Mayor

schedule A **amendment no. 132**

to the
official plan
for the
city of hamilton

legend

area to be changed from
"Commercial" to
"Residential"

date
Oct. 1988

drawn by
P.A.

reference file no.
OPA 132

Lake Ontario

DEFERRED NO D-8
UNDER SECTION 14(3) OF
THE PLANNING ACT

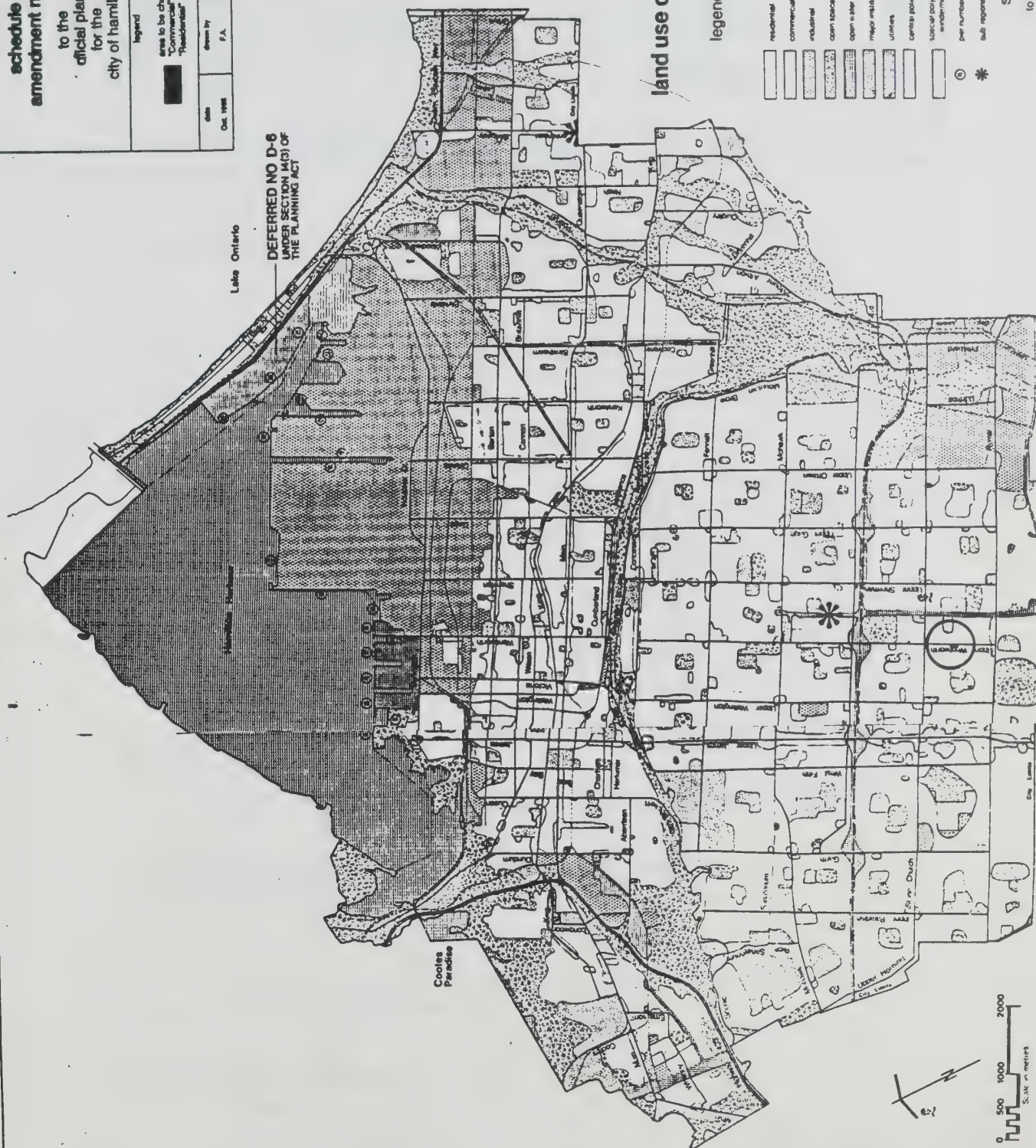
land use concept

legend

- residential
- commercial
- industrial
- open space
- open water
- major industrial
- utilities
- centrally located, 1-4
- local parks, 1-4
- local parks, 1-4
- per numbers
- sub regional centre

schedule A
to the official plan
for
the city of hamilton

1988



schedule B-2 amendment no.132

to the
official plan
for the
city of hamilton

legend

area to be deleted from
Special Policy Area 23

date	drawn by	reference file no.
Oct. 1985	F.A.	OPA 132

other special
policy areas

legend



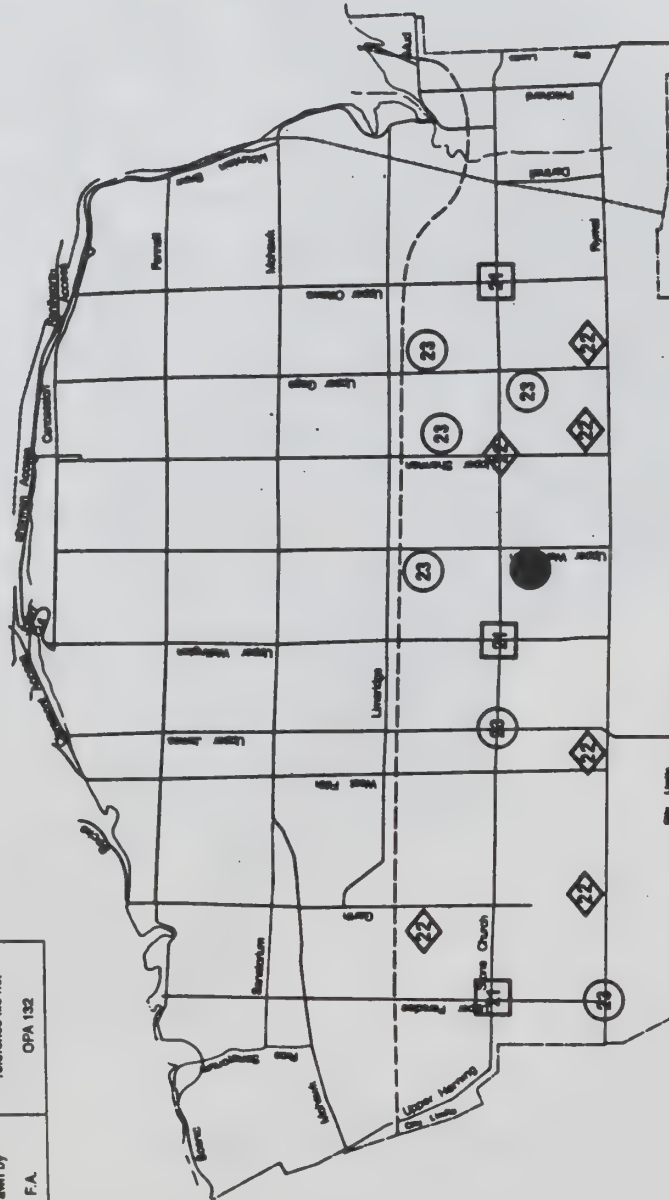
refer to policy A.2.2.8 (iii)
and D.2.5(x)(a)



refer to policy A.2.2.8 (iv)
and D.2.5(x)(b)



refer to policy A.2.2.8 (v)
and D.2.5(x)(c)



schedule B-2

to the official plan
for
the city of hamilton

JUNE 30, 1990

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT THE NORTH-WEST CORNER OF UPPER WENTWORTH STREET AND EMPEROR DRIVE

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 132, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by the Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Section 4, 17, and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-18D of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "G-1" (Designed Shopping Centre) District, to "C" (Urban Protected Residential, etc.) District.

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

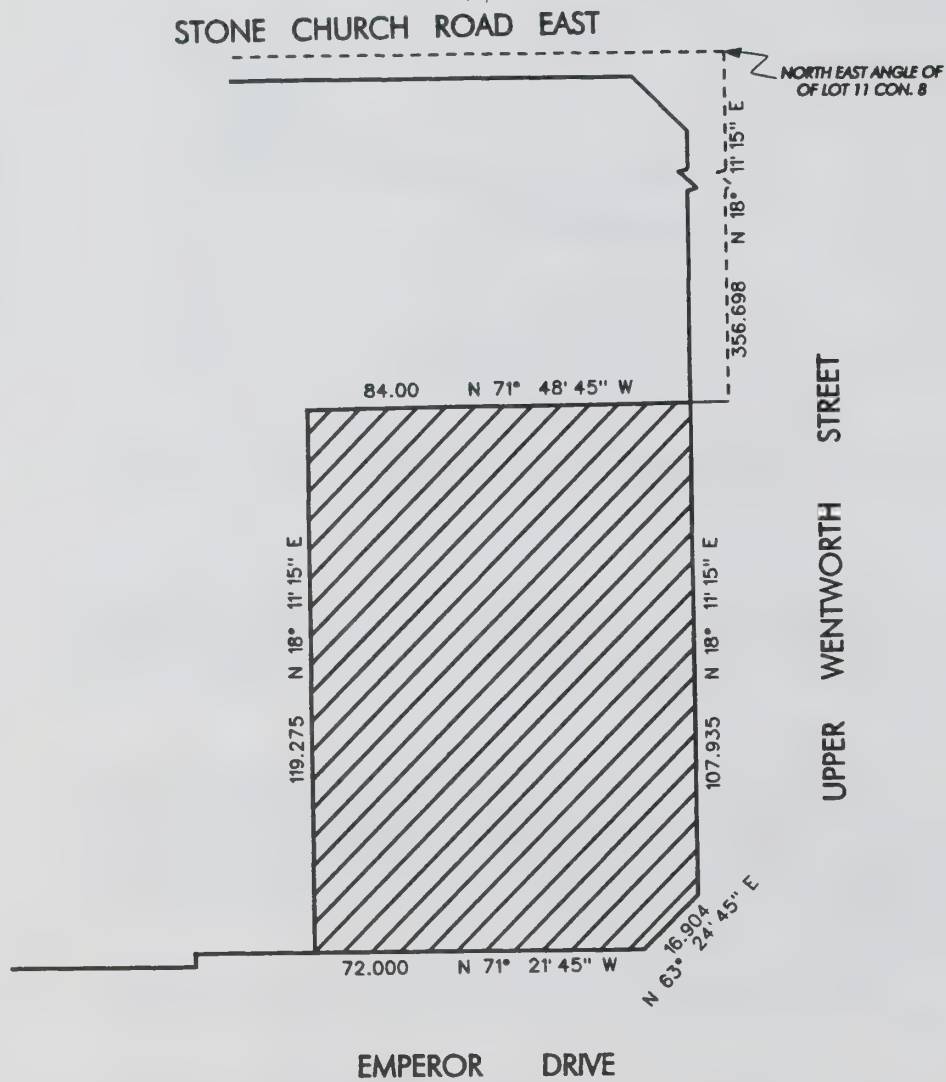
PASSED this day of

A.D. 1995

CITY CLERK

MAYOR

(1995) 19 R.P.D.C. 2, October 10
Wellington Chase Inc. (J. Parente), Owner
ZAC-95-15



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 95-.....
 Passed the day of, 1995.

.....
 Clerk

.....
 Mayor

City of Hamilton

Schedule A

Map Forming Part of
 By-Law No. 95-.....
 to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in zoning from:



"G-1" (Designed Shopping Centre)
 District, to "C" (Urban Protected
 Residential, etc.) District.

North



Scale
 Not to Scale

Date
 OCTOBER 1995

Reference File No.
 ZAC-95-15

Drawn By
 R.L.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend

By-law No. 94-185

Respecting

THE PROPERTY STANDARDS BY-LAW

WHEREAS By-law 94-185 continued the Property Standards Committee which consists of three persons.

AND WHEREAS City Council, on December 12, 1995, authorized an increase in the number of members of the Property Standards Committee to five members.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection (2) of Section 40 of By-law No. 94-185 is repealed and replaced with the following:

40(2) The Property Standards Committee for the City of Hamilton shall consist of 5 ratepayers of the City to be appointed by Council for an initial two year term to December 31, 1997, and thereafter for terms of 3 years. The members of the Committee shall hold office until their successors have been appointed. Any vacancy on the Committee shall be filled forthwith by Council.

PASSED this _____ day of _____, 1995.

CITY CLERK

MAYOR

\BYLAW\PROPSTDS

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend

By-law No. 95-090

Respecting

1995 DEBENTURE PROJECTS AND AMOUNTS

WHEREAS By-law No. 95-090 was enacted on April 11, 1995 and included the Major Maintenance to Civic Buildings Project;

AND WHEREAS City Council, on November 14, 1995, in adopting Section 4 of the 27th Report of the Finance and Administration Committee authorized an amendment to the 1995 Debenture Projects to decrease the authorized cost of the Major Maintenance to Civic Buildings Project;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Schedule "A" of By-law No. 95-090 is amended by removing the Major Maintenance to Civic Buildings Project and replacing it with the following:

SCHEDULE "A" TO BY-LAW NO. 95-090

	<u>Project</u>	<u>Gross Cost</u>	<u>Subsidy Receipts</u>	<u>Capital Levy Financing</u>	<u>Net Debenture Authorization</u>
9	Major Maintenance to Civic Buildings	\$946,700	0	\$63,000	\$883,700

PASSED this _____ day of _____, 1995.

CITY CLERK

MAYOR

(1995) 27 R.F.A.C. 4, November 14

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend By-law No. 94-095

Regarding

1994 DEBENTURE PROJECTS AND AMOUNTS

WHEREAS By-law No. 94-095 concerning the 1994 Debenture Projects was enacted by Council on the 31st day of May, 1994 and contained the Inch Park Arena and Parkdale Arena Projects;

AND WHEREAS By-law No. 95-034, enacted on January 31, 1995, amended the debenture amount of each project to \$1,886,500;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 12 of the 15th Report of the Finance and Administration Committee on October 11, 1994, authorized an amendment to By-law No. 94-095 concerning the Parkdale Arena Retrofit Project and the Inch Park Arena Retrofit Project debenture amounts;

AND WHEREAS Council on November 14, 1995 in adopting Section 4 of the 27th Report of the Finance and Administration Committee authorized a further amendment to the debenture amount for each project.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Paragraphs 14 and 15 of Schedule "A" to By-law 94-095, as amended, are repealed and replaced by the following:

<u>Project</u>	<u>Gross Cost</u>	<u>Reserve Financing</u>	<u>Debenture Amount</u>	<u>Term of Debenture</u>
14) Parkdale Arena	\$2,321,650	\$113,500	\$2,208,150	20 years
15) Inch Park Arena	\$2,321,650	\$113,500	\$2,208,150	20 years

2. By-law No. 95-034 is hereby repealed.

PASSED this _____ day of _____ 1995.

CITY CLERK

MAYOR

(1995) 27 R.F.A.C. 4, November 14



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